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*** The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.

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CURRENT TOPICS.

THE VACATION Cause List before the Lord Chief Justice on Wednesday, although slightly less numerically than that of last week, was of a more substantial nature. The list contained one petition in a company matter and twenty-nine opposed motions. His lordship, who sat at 10.30 a.m. as usual, did not rise until 4.45 p.m., when he had disposed of the business before the court.

THE DESIRE to see and hear the President, together with the many attractions of the University city, drew a comparatively large attendance at the Oxford meeting of the Incorporated Law Society. Probably nearly 400 were present during the reading of the President's Address, and the attendance was well kept up on the second day. There could be no better place of assembly, as regards acoustic properties and otherwise, than the Sheldonian Theatre; and the reception of the society by the Vice-Chancellor, in a particularly graceful little speech, in place of the ordinary mayor's harangue, was a refreshing novelty. The papers read were interesting, and evoked considerable discussion. It need hardly be said that Sir H. FOWLER was a model chairman, courteous and businesslike, but careful to allow no waste of time, and even calling to order the reader of a paper when the contents were not, in the President's view, relevant to the main question.

AT THE present meeting, as at the two immediately previous meetings, no invitation was received from any law society for next year's meeting. This is a strange change from the years when these bodies competed for the honour of entertaining the society; and we may add that the change from the munificent hospitality of former years is also somewhat marked. Will it come in course of time to the Incorporated Law Society and the visitors paying between them the whole expenses of the meeting?

WE COMMENT elsewhere on the omission from Sir H. FOWLER'S presidential address of any reference to the scandals of the early part of the present year. At the dinner, however, on Tuesday, in replying to the toast of the Incorporated Law Society, he touched on the subject with such excellent tact and judgment that our regret is increased that these expressions were not expanded and given a prominent position in the address. He seized upon an allusion made by a previous speaker to the "family lawyer" to remark that "any man who knew what the "family lawyer" meant and the responsibilities that devolved upon and were discharged by those 15,000 or 16,000 gentlemen must also know that those duties were discharged with great assiduity, great integrity, and unblemished honour. The offenders were very few and far between. Of course when offences occurred, public attention was very properly drawn to them, and they tended to promote a higher and keener sense of honour amongst those who were perhaps unfairly and unjustly

attacked as being responsible for the sins of the profession as a whole."

THE WEEK has been full of rumours of judicial and other legal changes. The Master of the Rolls, to whose illness we were only able briefly to refer last week, still continued, at the last account, in a critical condition. He was obviously in indifferent health at the close of the last sittings, and the distressing death of his wife, together with the appearance of a local ailment, appear to have seriously aggravated his condition. Great sympathy is felt for him, but although everyone hopes for his recovery, few anticipate that he will return to the courts. There is, of course, always the question whether Lord Justice RIGBY (whose health is said to be somewhat improved) will resume his seat on the bench at the commencement of the ensuing sittings; hence a possibility is afforded of considerable changes in the Court of Appeal; and the rumour has been revived that the Solicitor-General is to exchange the worry of Parliamentary life for the repose of the bench. Then it is stated that the retirement of Mr. Justice WILLS is not an improbable event. The loss of this excellent judge would be greatly regretted, and although his years of efficient service give him a claim to rest, it is to be hoped that he may be persuaded to retain his position.

THE TWO papers on solicitors' charges read at the Oxford meeting—that on "Legal Remuneration," by Mr. GRANTHAM R. DODD, and the one entitled "A Plea for New Scales of Costs in Actions," by Mr. FREDERICK ARMITAGE—raise a question of much practical importance, and the present time, when an attempt is to be made to remodel the system of taxation, is opportune for discussing it. In conveyancing, the advantages of the plan of charging according to a scale are well recognized, and, indeed, the Remuneration Act of 1881 was a necessary corollary to the Conveyancing Act of the same year. The antiquated method of charging according to the length of deeds could not have been got rid of unless a more rational system had been ready to hand, and that was found in making the solicitor's charge a percentage on the value of the property dealt with. A corresponding change may be expected to be made sooner or later in regard to litigious costs, but the difficulty in the way of propounding a workable scheme makes it probable that the change will not be speedily made. Mr. DODD insists that the present system furnishes an undue incitement to solicitors to carry cases to trial, although their clients' interests would be best served by a compromise. Each step in the action means a corresponding item in the bill of costs, while the compromise leaves the solicitor unremunerated. Mr. DODD proposes that the item system should be abandoned, and that bills should be made out, as he says they are in the United States, for a lump sum for "professional services rendered." Obviously, however, this cannot be done until the basis on which the lump sum is to assessed has been ascertained, and here lies the difficulty. Behind the doctor's bill, to the analogy of which Mr. DODD refers, it is always understood that there exists a record of attendances at so much a visit, but it is the essence of the proposed change that the solicitor's services shall be rewarded according to their value to the client, and not according to the actual time and labour expended.

THE UNFAIRNESS of restricting a solicitor to the common item charges was, as is well known, strongly felt upon the establishment of the Commercial Court. "In taxing bills of costs in commercial cases," wrote Master MACDONELL (see 1 Com. Cas., p. viii), "I have more than once found difficulty in doing justice, consistently with the present rules and scale of costs, to solicitors who had mastered their cases and brought them before the judge at the earliest possible stage. Under the present system of taxation such solicitors may sometimes, it is to be feared, receive less remuneration than those who let their cases take the ordinary course, and do not submit them to the judge of the Commercial Court until after issuing several summonses more or less useful. The solicitor who does the best for his client may not always be doing the best for himself." The difficulty has been to some extent met in the Commercial Court by recourse to R. S. C. ord. 65, r. 27 (12), under which special fees can in certain cases be allowed as remuneration for extraordinary skill and labour. But it may be doubted whether a system could be generally successful which required the taxing-master to weigh nicely the solicitor's merits in each particular case. Mr. ARMITAGE advocates an extension of the plan at present in operation in the county court under which fixed charges are allowed in respect of claims under £10. "Above this figure," he says, after comparing county court costs in such a matter with the corresponding costs under the old system when small claims had to be brought in the superior courts, "the illustration breaks down, and the charges made are by items; but there is no reason for this, and I venture to prophesy that when a fixed scale is in force for cases up to £20, and another up to £50, then clients in the county courts will feel the more free to put the merits of their case 'to the touch to gain or lose it all.'" Mr. ARMITAGE contends that similar scales might apply in the High Court to claims above £50, but he lays it down as an elementary proposition that in no case should the total costs exceed the amount recovered. But though it may be unfortunate that costs should exceed damages, the proposition can by no means be regarded as elementary. Mr. ARMITAGE recognizes that the scale would not apply to cases which do not go to trial, nor would it apply where no fixed sum is in dispute, as in proceedings for an injunction. That the plan presents difficulties, or is not universally applicable, is not, however, conclusive against it, and it is quite possible that a system under which varying lump sums will be charged according to the amount recovered may be found to form a basis for a workable scheme.

THE MANNER in which the Larceny Act, 1901, affects solicitors was the subject of a paper read by Mr. T. HOLMES GORE, of Bristol, at the meeting of the Incorporated Law Society. Ostensibly, as he pointed out, the Act does not affect solicitors more than any other class of the community, but the mode in which fraudulent solicitors escaped the former law was one of the reasons why it was passed, and it should have a powerful effect in checking misappropriation such as has too frequently been brought to light of recent years. Sections 75 and 76 of the Larceny Act, 1861, referred only to "a banker, merchant, broker, attorney, or other agent"—a restriction to which effect was given a short time ago in *R.* v. *Kane* (1901, 1 Q. B. 472), where the word "agent" was construed on the *ejusdem generis* principle—and provided for the three offences of misappropriation by any of these persons of money with which he had been entrusted, subject to a direction in writing as to its application; of selling in violation of good faith any chattel or valuable security entrusted to him; and of misappropriating property entrusted to him for safe custody. Numerous cases have shewn that conduct clearly meriting punishment as fraudulent did not fall within these sections either because there was no direction in writing; or because the property in question was not a chattel or valuable security; or because it had not been entrusted for safe custody. In *Reg.* v. *Newman* (8 Q. B. D. 706), for instance, a solicitor who had been intrusted by a client with money to invest on his behalf, and who fraudulently appropriated it to his own use, got off because the money had not been intrusted to him for safe custody. These various requirements, which so often prevented a conviction, have now been swept away, and the Larceny Act, 1901, substitutes more comprehensive provisions which apply to all persons alike, and which are aimed generally at the fraudulent conversion of property with which any person is intrusted either for safe custody or for application for any purpose, or which he receives on account of any other person. The new provisions, however, are to take effect as part of the Larceny Act, 1861, and to be deemed to be substituted for sections 75 and 76, and Mr. GORE points out that they are in consequence subject to section 85, under which a compulsory disclosure of an offence in civil proceedings is made a bar to a criminal prosecution. In cases, therefore, where a recourse to the new Act may be contemplated it will be essential to bear in mind this possible result of bringing an action.

THE QUESTION of fire insurance as between vendor and purchaser of house property will probably not be settled until, as Mr. REGINALD POOLE urges in his paper, intended to be read at the Oxford meeting, the insurance companies are induced to include in their policies a condition which will make the policy available for the benefit of the party really interested. The unsatisfactory nature of the law in this respect was revealed by the well-known case of *Rayner* v. *Preston* (29 W. R. 547, 18 Ch. D. 1). JAMES, L.J., would have made the benefit of the policy run with the land, but he was overruled by the majority of the Court of Appeal, and the purchaser was compelled to pay to the vendor the full purchase-money for property which had been burnt down, notwithstanding that the vendor had received the insurance money from the office. The vendor was afterwards, indeed, in *Castellain* v. *Preston* (31 W. R. 557, 11 Q. B. D. 380), compelled to refund the insurance money to the office, but this did not help the unfortunate purchaser. It is usual to attempt to meet the case by inserting in the contract of sale a condition that the purchaser shall have the benefit of the current fire insurance; but the doubt has been raised by a competent authority (Dart, Vendors and Purchasers, 6th ed., pp. 197, 913), that the result of such a condition is simply to transfer the hardship to the vendor, who may find that he has forfeited his remedy against the insurance office, while he is bound to allow to the purchaser an abatement of the purchase money to the extent of the policy. Probably this doubt is not well-founded, but the fact that it exists is sufficient to make vendors sometimes chary of assenting to the condition in question. The purchaser can, no doubt, in due course get the policy indorsed in his favour; but this takes time, and in practice the only perfectly safe plan is for him immediately on signing the contract to take out a new insurance in his own name. This, however, is unsatisfactory, for it means a useless expense should the purchase go off. The remedy lies, as intimated above, in having a suitable clause included in all fire policies declaring that the policy, while it remains in force, is to be for the benefit of the insured and of any purchaser or mortgagee claiming under him. A clause to this effect is suggested by Mr. POOLE, who expresses the hope that some of the leading members of the profession, who are also directors of fire insurance companies, may see their way to take the matter up, and thereby earn the gratitude of future purchasers of houses or buildings, and their advisers.

THE CURRENT number of the *Century Magazine* contains an interesting article on "The Practice of the Law in New York." The number of lawyers seems to increase on the other side of the water even more rapidly than it does here. Within the memory of living men, we are told, New York city, with a population of 200,000, had only 495 lawyers; at the present time they number 7,755. And the growth in the number of lawyers seems to have been accompanied by accelerated methods of transacting business. "The advocate of 1800-50 was not within our connotation a busy man. He had leisure to prepare a learned and brilliant argument, characteristic of his era, and the courts had time and inclination to listen to his rhetoric. To-day argument must display no flowers of rhetoric, must be close-packed in presentation, and not rehearse principles or authorities familiar to the court." The tendency is characteristic of the age, perhaps, rather than of any particular community, and with us also the advocate is most successful who can confine himself to the pith of the argument. In New York, of course, the attorney and the advocate are one, and the practice of a lawyer's office differs very much from the practice here. But the writer of the article discerns a diminution in the volume of litigation depending on points of law, with the result that cases in court turn chiefly on questions of fact, and are handed over to specialists in trials of that kind—to barristers, in fact. The reason assigned is "the gradual resolution and removal of the vexed questions of the common law by decision or statute, so that litigations, except of a very modern corporate character, are likely to turn upon questions of fact and are left to the 'trial lawyers.'" From experience over here we are naturally tempted to doubt the explanation. It is intelligible enough that when the profession of the law becomes highly organized the division between solicitor and barrister should appear, but our law reports seem to give no indication that the output of decisions on points of law is likely sensibly to diminish. Business is ever presenting new problems, old principles call for reconsideration, fresh statute law requires judicial elucidation, and so the tide of precedents flows on. The writer of the article controverts, so far as practical results go, the maxim that the law is a career open to all talents. "The struggle," he says, "is never a fair one. The field is free, but there is favour. The skirts of happy chance no longer blow free for the seizing of any brilliant and confident young man. A practice and a reputation are long in the building, and the former is slippery to hold. Clientage goes chiefly by favour, and the great opportunities of the profession seldom came except to the best known men." That is true, no doubt, here as well as in New York, yet the young and the confident will always press in upon the theory that there is room at the top—and will sometimes be rewarded.

IT IS common enough to speak of a person as being entitled to the "first refusal" of property, but until the recent decision in *Manchester Ship Canal Co.* v. *Manchester Racecourse Co.* (1901, 2 Ch. 37), the exact meaning of this expression does not seem to have been determined. In that case the canal company had in 1893 entered into an agreement with the racecourse company that whenever certain land of the latter company should cease to be used as a racecourse, or should be proposed to be used for dock purposes, the racecourse company should give the canal company the "first refusal" of the land. In 1899 negotiations took place between the two companies for the sale of the land, and the racecourse company offered it to the canal company for £350,000, the offer to stand for a week. The offer was not accepted within that time, and the racecourse company then contracted to sell the land to a third company, who proposed to use it for dock purposes, for £280,000. The canal company alleged that they had not had the first refusal within the meaning of their agreement, and they applied for an injunction to restrain the sale to the third company. Apparently the racecourse company took a very loose view of their obligations under the agreement. The agreement, they contended, was satisfied by an offer at any price—say, £1,000,000—to the canal company, and the non-acceptance of the offer would justify a subsequent sale elsewhere at £100,000. Such a view, however, is quite opposed to the popular meaning of a first refusal, and did not commend itself to the court. A "first refusal" means that the party entitled to it shall have the option of taking the property at a price which the vendor is willing to accept from any other purchaser, whether such price has been actually offered or not. In the present case, therefore, the racecourse company were not at liberty to offer the land to the canal company for £350,000, and then, upon their non-acceptance, to go elsewhere and sell it for £70,000 less. The difficulty that the right to a first refusal was not restricted in point of time, and might, therefore, offend against the rule of perpetuities, was met by the circumstance that the agreement incorporating it had received statutory sanction. The Court of Appeal accordingly affirmed the judgment of FARWELL, J., protecting the rights of the canal company by an injunction.

IN GENERAL, when judgment is reserved before the vacation, there is no chance of the parties hearing any more of the matter until the re-assembling of the courts. The *Times*, however, has contained this week (9th inst.) a report of the judgment of BUCKNILL, J., in *Frederick Leyland & Co.* (1900) (*Limited*) v. *The British and Foreign Marine Insurance Co.* (*Limited*), which has been handed to the parties, and which by consent is to be taken as having been delivered in court. The plaintiffs claimed in the case, which was heard at the last Liverpool Assizes, a return of premiums in respect of several of their ships which had been in the employment of the British Government for the purposes of the South African war. The policies provided that there should be a return of "1s. 8d. per cent. for every fifteen consecutive days the vessel may be

aid up in port or in dock in the United Kingdom or abroad," during the period of insurance. Claims were made in respect of the vessels having been laid up (*inter alia*) at the ports of Cape Town and Durban, and the evidence upon which BUCKNILL, J., had to decide turned largely upon the exact limits of those ports. But allowing that the ships were in port, the question also arose whether they were laid up within the meaning of the clause, and the result is interesting as shewing the distinction between the strict legal construction of the phrase, and the construction which was under the circumstances to be deemed to have been within the intention of the parties. The plaintiffs contended that a ship is "laid up" provided she is lying in port, even though she is fully equipped and with her crew on board, and although she may be engaged in loading or discharging cargo. To this proposition, as a matter of law, BUCKNILL, J., did not assent, but he held that it had for many years been the defendants' practice to treat ships in port as laid up, whatever they were doing, provided only they remained in the same place, and that the policies had been taken on the footing of this practice. The practice, accordingly, governed the construction of the policies and the plaintiffs were held entitled to the return of premiums.

ACCORDING to Lord COKE, "If a duchess by marriage afterwards marries a baron, she remains a duchess and loseth not her name, because her husband is noble" (1 Co. Lit. 16 *b.*); but HARGRAVE, in a note on this passage, points out that "in some books it is said that if a woman, noble by birth, marries one of inferior nobility, she shall be styled by the dignity of her second husband"; CRUISE (Dig. tit. Dignities, referred to in a note in this week's *World*), says, however, that in spite of Lord COKE's *dictum*, "at the coronation of his present majesty [George III.] the Duchess Dowager of LEEDS, then the wife of Lord PORTMORE, claimed to walk as a duchess, but it was refused." According to the "note" appended to the official proclamation relative to applications for summonses to attend the forthcoming coronation, widows of peers who have remarried under the rank of the peerage, "according to former precedent, are considered as not entitled to such summons"; and "as to widows of peers who have remarried with a peer of lower degree, their precedence, according to precedent, is that of their last husband."

THE PRESIDENT'S ADDRESS.

THE address delivered by Sir HENRY FOWLER at the Oxford meeting of the Incorporated Law Society differed in one point from the usual tenor of presidential utterances. The legislation, actual and attempted, of the past session has in general formed an important and interesting subject of comment. The abandonment of this topic on the present occasion was almost rendered necessary by the legislative barrenness which has fallen upon Parliament. A discussion of current legislation requires at least that there shall be legislation to discuss, and the Factory and Workshops Act, the chief output of the year, while important enough in its way, hardly forms material on which to found an address. Possibly it was for this reason that Sir HENRY FOWLER adopted an attitude familiar enough a few months ago, when we were entering on a new century and a new reign, and indulged in a retrospect of the legal changes which marked the progress of the nineteenth century. Notwithstanding all that has been said on the matter, the subject is by no means exhausted, and the President was able to record startling ameliorations in the law which might well lead to contentment did we not know that so much still remains to be done before the law and its administration—the latter especially—are put upon a moderately rational basis. The wonder, indeed, is, not that we have attained to such a height of perfection, but that our great-grandfathers should have tolerated a state of things like that which existed at the beginning of the nineteenth century. Sir HENRY FOWLER aptly quotes from WESLEY'S Journal the impressions of that eminent divine and practical administrator of a Chancery Bill—"that foul monster," as he calls it. "A scroll it was of forty-two pages in large folio to tell a story which needed not to have taken up forty lines, and stuffed with such stupid, senseless, improbable lies, many of them, too, quite foreign to the question, as I believe would have cost the compiler his life in any heathen court either of Greece or Rome; and this is equity in a Christian country!" What became of this particular bill finally we cannot say, but according to the account of the old delays in Chancery given by Sir HENRY FOWLER, it must have been a matter of years before any final decision was given upon it. It is trite that all this has been changed both as to the form of procedure and the time which it takes. Something like the old bill in Chancery still survives, we believe, in proceedings at the suit of the Crown by English information, and occasionally the hesitation of a judge may lead to long postponement of the decision of a case. But fortunately pleadings now raise in a fairly short and perspicuous manner the real point to be decided, and the course of proceedings, occasionally at any rate, approximates to those in the *Taff Vale case*, where, as Sir HENRY pointed out, the decision in the Vacation Court was given in September, 1900; in the Court of Appeal in the following November, and in the House of Lords last July. To secure, however, anything like this record it will be necessary for the Court of Appeal to be placed once more on a working basis.

The state of civil procedure at the beginning of the last century was outdone by the state of the criminal law. It is difficult to realize the condition of mind of judges and statesmen who could go on contentedly from year to year while offences of the most trivial description were treated as capital. Sir HENRY FOWLER mentions the offences of stealing from the person above the value of 1s., of stealing in a shop to the value of 5s., of stealing in a dwelling-house to the value of 40s., of stealing clothes from a bleaching ground, and of pretending to be a Greenwich pensioner, as involving the death penalty. He might have instanced as a still greater absurdity the fact that a like punishment might be inflicted on a soldier or sailor who was found begging or wandering without a pass. It was very gradually that these and some 200 other offences were removed from the list until now it is only murder and high treason, with the cognate offences of piracy with violence and setting fire to military and naval buildings and stores, that are capital. It is the task of the historian and the moralist to discover why the criminal law remained so long in this barbarous state. Possibly it was due to the general want of the imaginative faculty which prevents people from realizing the cruelties perpetrated around them, and which is always a barrier to humanizing efforts. Happily Sir HENRY was able to point to the fact that the amelioration of the criminal law has been abundantly justified by an enormous diminution of crime, a diminution which characterized the latter equally with the first half of the last century. "The yearly average of persons," says Sir HENRY FOWLER, "sentenced to penal servitude in England and Wales in the five years ending the 31st of December, 1864, was 2,800, out of a population of 20,370,000; the yearly average of persons sentenced to penal servitude in the five years ending the 31st of December, 1899, was 770, out of a population of 31,000,000, and in the last year (1900) the number was 748." And the relaxation of the severity of punishments has been accompanied by important measures tending to secure fair play towards prisoners—namely, the allowance of counsel by the Trials for Felony Act, 1836, and the allowance of prisoners' evidence by the Criminal Evidence Act, 1898.

But this retrospect of legal changes, however interesting, is hardly enough to satisfy the anticipations which were formed of Sir HENRY FOWLER'S address. It is a task that many other men could have fulfilled with the same effect. The occasion of the appearance as President of a statesman of the first rank seemed to promise a deliverance of more than usual weight in regard to matters specially affecting the profession. In this respect the address seems to us to be wanting. True, there has, so far as we are aware, been no public criticism of the conduct of solicitors for the last few months, but unfortunately there was abundance of it at the time of the failures and subsequent prosecutions which led to the convictions and sentences of the beginning of the year, and, if criticism has been quiescent in the interval, we should be unduly optimistic in supposing that Mr. LAKE'S catastrophe has been forgotten, or that solicitors as a body have entirely regained public confidence. Some general remarks, indeed, the President did make: "Our

duty," he said, "is to do our utmost to preserve the traditions which we have inherited; to remember the trust which has been entrusted to our care; to discharge that trust with unflinching integrity and unflagging industry"; and so on. Excellent sentiments for ordinary times, but the stress of these present times would, we venture to think, better have been met by pointing out how the speculative spirit and the use of clients' moneys for general business purposes, which has been so disastrous in the past, is to be made impossible for the future. Sir HENRY FOWLER'S address contains no hint of the gravity of recent events, and the omission leaves the reader, as doubtless it left the hearers, with the sense that a great opportunity has been missed. The address is equally disappointing in its failure to make any suggestion as to the policy to be adopted in the present critical state of the question of land transfer.

The reforms which Sir HENRY FOWLER advocates are concerned almost exclusively with the administration of the law and they present no feature of much novelty. The re-arrangement of the circuit system, the extension of the jurisdiction of county courts, the establishment of a Court of Criminal Appeal—these are reforms which have been long before the public and, as to the two former at any rate, the Incorporated Law Society have shewn every disposition to press them on. "The ideal of a perfect administration of justice," says Sir HENRY FOWLER, "is that the tribunal should be impartial and competent, that its procedure and decision should be speedy and final, and that this should be secured at the smallest possible expense to the suitor." As to these points it may be assumed that everyone is agreed, and impartiality and competency are already secured. The point to be aimed at is to confer upon the admittedly competent judges of the county courts greater jurisdiction, and so arrange at once for the greater localization of cases and for the relief of business in the High Court. Procedure can thus be made more speedy and in many cases less expensive. The reorganization of the circuit system would be a further step in the same direction, but it is hopeless to expect that the step will be taken unless something more is done than the expression of ideal aspirations. In saying this we do not mean to undervalue Sir HENRY FOWLER'S remarks. We are glad to see a lawyer of his eminence in the political world pronouncing definitely in favour of these reforms. But before effect can be given to his views the *vis inertiae* of the authorities really charged with the administration of justice must be overcome, and how soon this will take place we should be the last to prophesy. Perhaps the day will come when Sir HENRY FOWLER will remember in a more responsible position the reforms he advocated as president of the Incorporated Law Society, and will secure that they are carried into effect.

REVIEWS.

THE ENGLISH REPORTS.

THE ENGLISH REPORTS, VOLS. VIII. TO XI. HOUSE OF LORDS, CONTAINING CLARK AND FINNELLY, VOLS. 8 TO 12. MACLEAN AND ROBINSON, WEST, AND HOUSE OF LORDS CASES (CLARK'S), VOLS. 1 TO 11. William Green & Sons, Edinburgh; Stevens & Sons (Limited).

The progress made in the issue of this admirable reprint of the House of Lords reports is very satisfactory. We have here four more volumes, bringing the reports of cases down to the year 1866. We confess we were ignorant of the name of West as a reporter; but it appears from the prefatory note to Vol. 9 that he was the first reporter "by appointment of the House of Lords"; and we have ascertained from an investigation of the volume of his reports that it was published in 1842 and contains about 700 pages, which in "the English Reports" are given in 207 pages. An idea of the economy of room effected by this series may be gained from these figures. The last volume brings us to such familiar cases as *Tapling* v. *Jones* (11 H. L. C. 289) as to right to light, and *Leather Cloth Co.* v. *American Leather Cloth Co.* (*Ib.* 521) as to trade-mark infringement. The references above the headnote of each case to Mews' Digest and subsequent cases, which form an important feature of the work, are well kept up.

BOOKS RECEIVED.

The English Reports. Vol. XI.: House of Lords, containing House of Lords Cases (Clark's), Vols. 7 to 11. William Green & Sons, Edinburgh; Stevens & Sons (Limited). Price 30s. net.

CASES OF THE WEEK.

Before the Vacation Judge.

MAPPIN BROTHERS *v.* **LIBERTY & CO. (LIM.).** 9th Oct.

DEED—CONSTRUCTION—LEASE OF LAND ADJOINING INTENDED HIGHWAY—PRESUMPTION AS TO OWNERSHIP OF SOIL—INJUNCTION AGAINST TRESPASS TO SUBSOIL.

This was a motion on behalf of Messrs. Mappin Brothers for an order restraining the defendants, Messrs. Liberty & Co. (Limited), their agents, servants, and workmen, from building or making a tunnel or passage-way through or under the subsoil in front of or under the premises of No. 220, Regent-street, in the county of London, and from digging up the said street or removing the soil therefrom, or erecting a hoarding or any other erection whatsoever in the said street in front of the said premises No. 220, Regent-street aforesaid, and from in any way trespassing in, over, or upon the said subsoil in front of or under the said premises No. 220, Regent-street aforesaid, or from in any other way obstructing and interfering with the rights of the plaintiffs in connection with the said premises No. 220, Regent-street or any other rights appertaining thereto under an indenture of lease dated the 25th of March, 1869, and made between Charles Harley Savory of the one part and Edward Mappin and Joseph Charles Mappin of the other part, for the term of fifty years and half of another year from the said 25th of March, 1869, until the trial of this action. In support of the motion it was said by an indenture of lease, dated the 25th of March, 1869, and made between Charles Harley Savory of one part and Edward Mappin and Joseph Charles Mappin of the other part, all that piece or parcel of ground situate, lying, and being in the parish of St. James's within the liberty of Westminster, in the county of Middlesex, on the east side of Regent-street, abutting west on the said street, east on King-street in the parish of St. James's, Westminster aforesaid, north, on a messuage or dwelling-house built on ground belonging to the Crown on the east side of Regent-street aforesaid, leased to George Thompson and then in the occupation of the lessees, and south on another messuage or dwelling-house built on ground belonging to the Crown on the east side of Regent-street aforesaid, and leased to William Burrage, which said piece or parcel of ground contained, from north to south in the front thereof next Regent-street aforesaid 28ft. of assize, from west to east on the south side thereof 54ft. 10in. of assize, from south to north on the east side or rear thereof 23ft. 9in. of assize, and from east to west on the north side thereof to a break there 47ft. 6in. of assize, then extends towards the north 3ft. 6in. of assize, and then runs again towards the west up to Regent-street aforesaid 4ft. 4in. of assize, be the same several dimensions little more or less together with the messuage or dwelling-house then standing and being on part of the said piece or parcel of ground, and which said messuage or dwelling-house is known and distinguished by the number 220 on the east side of Regent-street aforesaid, and is the second house southward from Argyll-place, the corner house inclusive, and also all outhouses, buildings, yards, areas, vaults, cellars, sollars, ways, paths, passages, waters, watercourses, lights, easements, profits, privileges, advantages, emoluments, rights, members, and appurtenances whatsoever to the said piece or parcel of ground, messuage, or dwelling-house and premises thereby demised, or any part thereof, belonging or in any wise appertaining, were demised by the said Charles Harley Savory unto the said Edward Mappin and Joseph Charles Mappin for the term of fifty years and one-half of another year from the 25th of March, 1869, at the yearly rental of £500. The premises comprised in the above-mentioned indenture of lease had been duly assigned to, and were now vested in Mr. William Gibson, the sole proprietor of the business of the plaintiffs, Mappin Brothers, absolutely for the remainder of the said term of 50½ years. The defendants, Messrs. Liberty & Co. (Limited), were the occupiers of premises No. 218 and 222, Regent-street aforesaid, on either side of the plaintiffs' premises. By an indenture dated the 31st of December, 1880, and made between Joseph Charles Mappin the younger, Charles Hickson, and Frederick Crockford (the plaintiffs' predecessors in title) of the one part, and Arthur Lazenby Liberty of the other part, a portion of the basement of the plaintiffs' premises situate under the pavement of Regent-street, together with permission to make communications to the premises 218, Regent-street, were demised by the said Joseph Charles Mappin, Charles Hickson, and Frederick Crockford, under the said Arthur Lazenby Liberty for the term of twenty-one years from the 25th of December, 1880, which term expires on the 25th of December of the present year. This portion of the basement had, it was believed, been used by the defendants for the purpose of a showroom and subway from their premises 218 to 222, Regent-street. The defendants had applied to the plaintiffs for a renewal of the lease of such portion of the basement, but as they require the same for the purpose of their own business and to enable them to extend the basement of their premises further under the street to the limit of the middle of the street they had been unable to comply with the defendants' desire. A few days since the defendants erected a large hoarding enclosing a portion of the roadway in Regent-street immediately opposite to the plaintiffs' premises, and extending along the whole of the front thereof and on the side of the road nearest to the plaintiffs' premises, one side of the hoarding being in about the middle of the street and the other side coming to within a few feet of the kerb, leaving barely room for one vehicle to pass. A large number of workmen with a steam crane had been employed day and night in excavating the soil down to a considerable death from that part of the roadway immediately in front of the premises, and it was believed that the defendants proposed to construct an underground showroom to be also used as a passage-way from their said premises on either side of the plaintiffs' premises. The soil had been

dug away from immediately against the western wall of the plaintiffs' cellar, so that the whole of such wall is now open and exposed, and, in fact, a hole had already been broken into such wall. They had, moreover, actually dug away in places the soil from under the wall, and thus jeopardized the safety of such wall, and it was believed that such wall was already cracked owing to such excavations. The defendants had not applied for or obtained the plaintiffs' consent to any part of the work being done, and the plaintiffs objected to the same most strongly for many reasons Neither had they served the plaintiffs or anyone on their behalf with any notice under the London Building Act, 1893. The plaintiffs claimed that the subsoil in the said street by virtue of the before-mentioned lease of the 26th of March, 1869, belonged to them for the remainder of their said term, and that neither the freeholders, nor the plaintiffs' lessor, nor the vestry, had any right to grant permission to the defendants to remove such subsoil or to construct the subway through the land immediately in front of the premises. The hoarding in the roadway was a source of constant obstruction and annoyance to the plaintiffs. Only one vehicle could pass between it and the pavement, and it was impossible for a carriage to draw up to and stand at the plaintiffs' door for the purpose of customers alighting without impeding the whole of the traffic on that side of the roadway. For the defendants it was said that the premises 220, Regent-street, London, occupied by plaintiffs, were held under a head lease dated the 7th of February, 1823. The premises Nos. 218 and 222, Regent-street, which were Crown property, were held by the defendant company under leases expiring in December, 1919. By a deed dated the 28th of October, 1893, and made between the Queen's Most Excellent Majesty of the first part, Sir Robert Nigel Fitzhardinge Kingscote, the Commissioner of Woods in charge of the land revenue of the Crown, in the county of London, of the second part, and Arthur Lazenby Liberty, William Street, and John William Howe (therein called the licensees) of the third part, the commissioner, in exercise of his statutory powers, granted to the licensees permission to construct and maintain a subway underneath the surface of Regent-street, in front of the messuages and premises Nos. 218, 220, and 222, Regent-street, in the situation shewn by the plan thereon and in accordance with plans, sections, and specifications approved by the commissioners subject to the payment of the yearly rent of £20, and to the performance of the covenants, conditions, and provisions therein contained and to all such rights as might belong to any person or persons in reference to the construction and maintenance of the said subway and as might be effected thereby. The benefit of the said deed had been transferred to and is vested in the defendant company, and the time for the completion of the said subway has been extended by the Crown authorities until the 10th of October, 1906. By an agreement dated the 26th of October, 1893, and made between Arthur Lazenby Liberty, William Street, and John William Howe, of the one part, and the vestry of the parish of St. James, Westminster, of the other part, the vestry agreed to raise no objection to the construction and maintenance of the said subway, upon the terms in such agreement mentioned. The benefit of such agreement had been transferred to and was now vested in the defendant company. By an agreement dated the 4th of October, 1900, and made between Arthur Lazenby Liberty, William Street, and John William Howe of the first part, Liberty & Co. (Limited) of the second part, and the vestry of the parish of St. James, Westminster, of the third part, the vestry, so far as they lawfully could and without any guarantee, consented to the period for the completion of the said subway being extended till the 10th of October, 1903, on the condition that the annual sum of £20 should be substituted for the annual sum of £5 5s., payable to them under the agreement of the 26th of October, 1893. The defendant company, acting under the aforesaid licenses and consents, began on or about the 17th of September, 1901, to construct the said subway, and had carried on the work in the most expeditious manner possible so as to cause as little inconvenience as possible to the traffic in Regent-street. The hoarding which had been erected and maintained there had been erected and maintained with the approval and to the satisfaction of the Westminster Borough Council, and so as to afford unimpeded access to the plaintiffs' premises, and allows ample room for carriages to draw up to such premises. Carriages were not as a rule allowed to stop for any length of time opposite premises in Regent-street. Carriages setting down customers at premises in that street generally pulled out and waited either in the centre of the street or in one of the side streets. Carriages could and did stop opposite the plaintiffs' premises, as there was room for a treble line of traffic on the opposite side of the street. Work on the said subway was, until the granting of the *ex parte* injunction in this action, proceeding continuously and the said subway would, if the work were allowed to be resumed, be completed in about three weeks. It also appeared that the lease of 1823 contained a reference to "a street now joining there called, or intended to be called, Regent-street," and that Regent-street was made under an Act, 53 Geo. 3, c. 121, by which commissioners were appointed for the purpose of making the street and acquiring the necessary property for the purpose, and power was given to them to deal with the frontages. Upon behalf of the plaintiffs an injunction was asked for upon the grounds (1) that the defendants were acting in defiance of the plaintiffs' legal rights; (2) that they had not given a notice in accordance with the London Building Act, 1893: *Haynes* v. *King* (42 W. R. 56, [1893] 3 Ch. 439). For the defendants it was submitted that as the lease of 1823 was a Crown lease the court could not assume that anything had been granted by the Crown, except what was included in the express words of the lease. This piece of ground was not included in the lease of 1823. This was a lease and not a conveyance, and a doubt had been expressed whether the presumption applied. It did not apply to land intended to be used as a highway and not dedicated to the public: *Leigh* v. *Jack* (28 W. R. 452, 5 Ex. Div. 246), *Plumstead Board of Works* v. *British Land Co.* (23 W. R. 634, L. R. 10 Q. B. 203), *Landrock* v. *Metropolitan Railway* (W. N., 1886, 195). As to the notice under the London Building Act, 1893, if the defendants had not complied with section 93 it was merely a question of damages, and at the most an injunction would only be granted until the proper notice had been given. In reply *Re White's Charities* (1898, 1 Ch. 659), was cited.

Lord ALVERSTONE, L.C.J., in giving judgment, said that he did not wish to be understood as expressing any final opinion in the absence of any opportunity of considering the authorities and hearing such arguments as he could wish to hear. But he was obliged to express an opinion for the purposes of the day. The plaintiffs contended that by the assignment of the lease of 1823 they were entitled to the soil up to the middle of the road, and therefore entitled to restrain any person, including the ground landlord, from making a hole in front of their premises and the subway. He was not satisfied that the plaintiffs had any greater rights than those granted by the original lease, including the two cellars they had occupied for more than twenty years. He thought it was clear from the Act of Parliament that there was a street to be constructed. There was, no doubt, a considerable alteration in the construction of Regent-street as it now existed. Under the circumstances he thought the presumption did not apply to a street in course of construction to the extent to which it appeared from the Act of Parliament of Geo. 3 it was intended to be constructed, and he did not think it clear that it was intended to demise to the predecessor of the plaintiffs more than the houses and cellar; and, therefore, upon the question of title he was of opinion that the plaintiffs had not made out a sufficiently strong *primâ facie* case to justify him in stopping the defendants from carrying on the work. As to the point upon the London Building Act, whatever the rights of the parties might be, there was not sufficient to justify him in granting the injunction. No substantial injury had been done, and he could only restrain the work until they had complied with section 93 of the Act. He therefore thought no interim injunction ought to be granted. The motion would stand to the trial, and the costs be costs in the action. Injunction refused.—COUNSEL, *Bramwell Davis*, K.C., and *D. Pollock*; *Younger*, K.C., and *Rolt*. SOLICITORS, *Lumley & Lumley*; *Rose-Innes, Son, & Crick*.

[Reported by J. E. ALDOUS, Barrister-at-Law.]

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

PROVINCIAL MEETING.

The annual provincial meeting of the Incorporated Law Society was held at Oxford from Monday to Thursday. There were in attendance upwards of 350 members, amongst whom were the following members of the Council: Mr. Charles Mylne Barker, Mr. James Samuel Beale, Mr. Edmund Kell Blyth, Mr. John Wreford Budd, Mr. William Francis Fladgate, Mr. Henry James Johnson, Mr. Stephen Henham King (Maidstone), Mr. Harry Wilmot Lee, Mr. Henry Manisty, Mr. Charles Berkeley Margetts (Huntingdon), Mr. Joseph Farmer Milne (Manchester), Mr. Frederick Parker Morrell (Oxford), Mr. Frank Rowley Parker, Mr. Richard Pennington, Mr. Thomas Rawle, Sir A. K. Rollit, M.P. (vice-president), Mr. C. E. Mathews (Birmingham), Mr. W. J. Humfrys (Hereford), Mr. William Melmoth Walters, Mr. Philip Witham; and the following extraordinary members: Mr. J. Ansell (Birmingham), Mr. J. H. Cooke (Chester), Mr. A. Pope (Dorchester), Mr. F. O. Taylor (Norwich).

RECEPTION.

The members and the ladies attending the meeting were on Monday evening invited to a reception at the City Buildings as the guests of the Mayor (Mr. Clarence Druce) and the Deputy-Mayor (Mr. F. P. Morrell), representing the city, and of the Berks, Bucks, and Oxon Incorporated Law Society. Between 500 and 600 ladies and gentlemen were present. Mr. Morrell is a past president of the Incorporated Law Society U.K.

WELCOME TO OXFORD.

The members met on Tuesday morning in the Sheldonian Theatre for the reading and discussion of papers, when

The Rev. THOMAS FOWLER, D.D. (president of Corpus Christi College), welcomed them to the city. He said he had been asked as Vice-Chancellor of the University of Oxford to open the proceedings and to address a few words of welcome to the large and distinguished society which had gathered together within their walls that day. There were many connecting links between the Incorporated Law Society and that university. They each of them had educational functions; the university, it was true, of a more general character extending to all professions, the Incorporated Law Society's functions confined to those who were aspirants to membership of its own profession. But those functions, limited as they were, had, he believed, been admirably exercised, and the standard of general education amongst solicitors had been raised to a much higher level than it had ever reached before the institution of the society. Again, they were constantly drafting their students into that branch of the legal profession which was under the supervision of the Incorporated Law Society. When he first came up to the university in 1850 it was one of the rarest events for an Oxford student to enter the ranks of solicitors. It was now, he was glad to say, an event of constant occurrence, and when a young man was choosing his profession it was just as likely that he might select that of a solicitor as that of a barrister, or a clergyman, or a schoolmaster, or a civil servant, or a surgeon, or a physician. He believed this circumstance to be largely due to the improved social

status of a solicitor and to the higher standard of general education demanded of him, both of which results had been brought about by the exertions of this society. Another connecting link between the universities and their society was the recognition and improvement of a distinctly legal education. Going back to his own experience, when he came up to Oxford in 1850 there were only two legal professors—the Regius Professor of Civil Law and the Vinerian Professor of Common Law—and they seldom lectured. As to college lectures on the subject, there were at that time none. There were now, including two public readers, six professors, who did not follow the inert example of their predecessors, and a law lecturer attached to every college. Moreover, half a century ago there were no legal examinations except that for the Vinerian Scholarship. They had now a final school of jurisprudence, co-ordinate with the classical, mathematical, and other final schools, as well as a real and searching examination for the B.C.L. degree. He thought he had said enough to shew that the university was fully alive to its duties towards the two branches of the legal profession, alike as to its teaching, its examinations, and its supply of candidates. It now only remained for him to assure them of their most cordial welcome to this ancient and famous seat of learning, to wish them a successful meeting and a pleasant visit, and to ask his distinguished namesake, Sir Henry Fowler, to replace him in the chair. Sir Henry Fowler needed no commendation from him to such an assembly as that, but he could not help recurring to an occasion, now many years ago, when he had the privilege of hearing his maiden speech in the House of Commons, which drew from Mr. Gladstone, then the Leader of the House, the highest encomiums, together with prognostications of his future eminence. These anticipations Sir Henry had fully realized, and he believed there was no statesman on either side of the House who was more generally respected or in whose dispassionateness and fairmindedness there was fuller confidence than Sir Henry Fowler.

The PRESIDENT thanked the Vice-Chancellor for his kind and cordial welcome. The connection to which he had alluded between the legal profession and the universities was a connection which the profession wished to cultivate and develop. This was the twenty-fifth anniversary of the society's meeting in Oxford. That meeting was the third of the provincial meetings which were established for the purpose of kindling a deeper interest and sympathy between the metropolis and the provinces. The first was held at Liverpool, the second at Leeds, and after having paid visits to those two great centres of manufacturing industry and of commerce and shipping he thought there was a singular appropriateness in paying the third visit to this ancient seat and home of learning. The president on that occasion had called attention in very wise and thoughtful terms to the connection between the solicitor branch of the legal profession and university life, and he had expressed the hope that there would be a change in the then existing relationships. The change had already taken place as the Vice-Chancellor had pointed out. To-day higher education, technical education, and professional education were talked about and thought about by everybody, and it would be a very good thing when a still greater amount of attention and of public money were given to their development. He held that there could be no greater advantage to the profession and the public at large than an increase in the professional qualifications which a university education and university training, added to the familiarity with everyday affairs which any competent professional man must display.

PRESIDENT'S ADDRESS.

The PRESIDENT then read his opening address as follows:

As this is the first annual provincial meeting of the Incorporated Law Society since the close of the nineteenth century, I think that I am justified in taking a wider range of legal history and legal affairs than the administration and legislation of a single year.

THE LEGISLATIVE HISTORY OF THE NINETEENTH CENTURY.

The nineteenth century, remarkable as it has been for its discoveries in science, for its advance in civilization, and for the enormous improvement in the physical, social, and moral condition of the people of the United Kingdom, is no less remarkable for its legislative history. During the century upwards of 10,500 Acts of Parliament were passed, and although many of them were only of a temporary character, yet the bulk of the laws by which we are now governed were enacted between 1800 and 1900. Of the sixteen octavo volumes which in the last edition of the *Revised Statutes* represent our legislation from 1200 to 1886, two volumes contain the existing law enacted prior to 1800, and the remaining fourteen volumes contain the law made between 1800 and 1886. I do not propose to survey or even to enumerate this vast mass of legislation. I will only recall to your recollection the fact that this legislation comprises: Firstly, the great changes in the laws affecting real property, which embodied the reports of the Real Property Commission between 1829 and 1833—the laws affecting wills, settlements, land belonging to persons under disabilities, copyholds, leaseholds, commons, tithes, landlords and tenants, mortgages, titles, conveyances—in a word, the gradual abolition of the incidents of feudalism, which during many centuries had controlled the tenure, the title, the transfer, and the user of land. Secondly, the development of our commercial law and of the laws affecting contracts, negotiable instruments, ships, and the dealings with personal property of all descriptions, bankruptcy, insolvency, and the relations of debtor and creditor. Thirdly, the Poor Law Act of 1834 and the subsequent statutes (I believe 130) relating thereto, the great changes in local government effected by the reconstruction and reform of municipal corporations, and the two Local Government Acts of 1888 and 1894, which established county, district, and parish councils. Fourthly, the constitution and control of the police, the laws affecting public health, education, the workers in factories and mines, the protection of women and children, employers' liability, and workmen's compensation for accidents. Fifthly, the incorporation and control of railway companies, the trading of joint stock companies with limited liability, and their powers and obligations. Sixthly, the laws affecting religious disabilities, infants, lunatics, married women, marriage, and divorce. Seventhly, the laws affecting the supervision and administration of the departments controlled by the Board of Trade, the creation and duties of the Local Government Board and of the Board of Agriculture. Eighthly, the changes in the administration of justice effected by the Procedure and Judicature Acts in the redress of civil wrongs, the enforcement of contracts and obligations, and the protection of rights both of person and property; and, lastly, the great constitutional changes effected with reference to our electoral system, in the extension of the franchise, the provisions for secret voting, the prevention of bribery and intimidation, and the complete democratizing, in a word, of our Parliamentary representation. These changes record an aggregate of legislative achievements within the limit of a century, unparalleled, as I believe, in either ancient or modern jurisprudence. And while the first forty years of the nineteenth century may claim some share in that story of legislative progress, the chief distinction attaches to, and will in future history be regarded as the especial glory of that illustrious reign which reduced our constitutional monarchy to a science, and associated with the efficient and pure administration of the law the greatest extent of individual freedom, and secured the effective influence of popular opinion in enacting and amending the legislation which national and personal interests required. I must, however, in addressing a legal audience, single out for special consideration some of those changes which have affected the administration and practice of the law. Wise laws, if they are to be obeyed, must be wisely enforced, and the administration of justice largely affects the belief in and loyalty to justice itself. It is in this review that we remember the labours of the great lawyers whose memories will always be associated with the law reforms of the nineteenth century: Romilly, Mackintosh, Brougham, Campbell, Denman, Sugden, Selborne, and Cairns. They fought the battles, they achieved the victories which rescued our administration of justice from the abuses, the delays, the evasions, and the cruelties by which it was fettered, disfigured, and disgraced.

CHANGES IN THE CRIMINAL LAW.

Our criminal law in the year 1800 was savage in its barbarity. In that year there were more than 200 crimes punishable with death. Sir Samuel Romilly stated "that there was no other country in the world where so many and so large a variety of offences were punishable by loss of life." The crime of stealing from the person above the value of 1s., of stealing in a shop to the value of 5s., of stealing in a dwelling-house to the value of 40s., of stealing anything from a bleaching ground, of pretending to be a Greenwich pensioner, and other trifling offences were capital crimes. During the century that awful category of offences which incurred the penalty of death has been reduced from 200 to 4—viz., high treason, murder, piracy with violence, and setting fire to the king's ships, dockyards, arsenals, naval and military stores. In the year 1899 out of twenty-nine persons who were sentenced to death only fifteen were executed. The whole scale of punishments, which included transportation, the pillory, and the whipping of women has been modified, and, side by side with this diminution in capital offences and the severity of punishment for all other classes of crime, there has been an enormous reduction in the number of convictions, notwithstanding the increase in the population. When Queen Victoria came to the throne in 1837 her convict subjects were about 53,000. The convicts in prison in the United Kingdom on the 31st of December, 1899, were 3,710, of whom only 270 were imprisoned for terms of twenty years and upwards. The population of the United Kingdom in 1837 was under 27,000,000, and in 1899 about 40,000,000. The annual average of criminal trials at assizes and quarter sessions in England and Wales for the last ten years of the first half of the century—viz., from 1840 to 1849, was 36,039. For the ten years from 1880 to 1889 of the second half of the century it was 14,470, and for the year 1899, 10,902. But these figures, including a large number of trifling offences, do not bring out the reduction in the class of serious crimes. The yearly average of persons sentenced to penal servitude in England and Wales in the five years ending the 31st of December, 1864, was 2,800, out of a population of 20,370,000; the yearly average of persons sentenced to penal servitude in the five years ending the 31st of December, 1899, was 770, out of a population of 31,000,000; and in the last year (1900) the number was 748. Up to the year 1836 the counsel for a prisoner charged with felony was only allowed to cross-examine the witnesses and to argue points of law; he could not address the jury on behalf of his client. The Prisoner's Counsel Act, 1836, gave the prisoner the right to be properly defended by counsel. It is worthy of note that twelve out of the fifteen judges strongly condemned this Bill. Up to 1897 about twenty-six Acts were passed enabling accused persons in certain cases to give evidence: but it was not until the ninety-eighth year of the century that all accused persons were enabled to give evidence in their own behalf.

CIVIL PROCEDURE.

Our courts of equity and common law present changes and improvements as marked and as gratifying as those I have referred to in our criminal law. While the principles of equity which were administered by Lord Eldon and Sir William Grant (who in 1800 were the only two judges in Chancery) have not been very materially changed during the century, the modes by which these principles were applied to enforce undoubted rights and to redress intolerable wrongs were a disgrace to the law and to the courts which allowed them. A Chancery suit was regarded as a social civil war—a terrible calamity to be avoided like plague or pestilence. The initial proceeding of a Chancery suit, called the bill (liable to be

amended, revised, and supplemented as the exigencies of the case required) with its recitals or rather copies of wills, deeds, and other instruments, its elaborate statement of the case of the plaintiffs, and which statement was repeated three times over, its allegations as to probable or possible defences, its suppositions of the matters which might avoid those defences, its interrogatories and all the other features of that extraordinary document) were well described by John Wesley, who in his journal says: "I called on the solicitor I had employed in the suit lately commenced against me in Chancery, and here I first saw that foul monster—a Chancery bill. A scroll it was of forty-two pages in large folio to tell a story which needed not to have taken up forty lines, and stuffed with such stupid, senseless, improbable lies, many of them, too, quite foreign to the question, as I believe would have cost the compiler his life in any heathen court either of Greece or Rome; and this is equity in a Christian country!" The answer when it came was of a similar character in length, weight, reiteration and irrelevancy, and then, after endless interlocutory proceedings had been disposed of, the parties had to wait probably a year or more before the so-called hearing of the cause, which was in fact only the beginning of the trial. Then came the reference to a master; the preparation of what was called a statement of facts, which recited the original and all supplementary bills, answers, further answers, and all the pleadings from first to last. This being left with the master, all the parties were served with what were called warrants on leaving and to proceed, and such was the state of business in the master's offices that it was often years before his report was made and the final decision or direction of the court obtained. It was not uncommon for four years to intervene between the setting down of the cause for trial and the final judgment. Petitions filed in 1810 were not disposed of in 1825. In the year 1811 there were thirty-six causes ready for hearing before Lord Eldon that had been set down for hearing in and before the year 1808, and at the same date there were appeals waiting to be heard by the House of Lords that had been set down for upwards of ten years. The generations which endured these devastations of their property and denials of justice have passed away, but we have as a record—shall I say a monument—of the Court of Chancery, the scathing description of Charles Dickens. He says: "This is the Court of Chancery, which has its decaying houses and its blighted lands in every shire, which has its worn-out lunatics in every madhouse, and its dead in every churchyard, which has its ruined suitor with his slipshod heels and threadbare dress borrowing and begging through the round of every man's acquaintance; which gives to monied might the means abundantly of wearing out the right, which so exhausts finances, patience, courage, hope, so overthrows the brain and breaks the heart that there is not an honourable man among its practitioners who would not give, who does not often give the warning—'Suffer any wrong that can be done you rather than come here.'" It is one of the triumphs of the nineteenth century that this horrible and disgraceful mockery of justice and equity has been swept away. As a contrast to the delays of those good old times, let me ask you in passing to compare them with the recent Taff Vale Railway case. A decision of the vacation judge was given on the 5th of September, 1900; it was appealed from and heard by the Court of Appeal in the following November, and finally decided by the House of Lords on the 22nd of July, 1901. Lord St. Leonards' Act of 1852 effected substantial reforms in Chancery procedure, and prepared the way for the still greater reforms which have been carried out under the Judicature Acts. Before the close of the eighteenth century the courts of law, under the guidance of that great judge, Lord Mansfield, had widened their construction of the principles of the common law, and had adapted its principles to the questions which the development of our commercial enterprize were raising for the first time in Westminster Hall. But here again the procedure was cumbersome, antiquated, and oppressive—legal fictions, pedantic technicalities, forms of action, rules of evidence, endless delays, and all the intricacies of pleading appeared to be a combination to arrest, if not to defeat, the progress of justice. The science of special pleading had its day, and although that day is over, it has taught lawyers how to ascertain what is the real dispute between the litigants, the relevancy and extent of the evidence, and the exact issue which the tribunal, whether of law or fact, is to try. The Common Law Procedure and Judicature Acts, the amendment of the law of evidence by the Act known as Lord Denman's Act, and the Rules of Practice, have revolutionized and simplified the procedure of litigation, dealing in those disputes which are not exclusively confined to the Courts of Equity. The substance of justice is no longer sacrificed to the forms of procedure. In 1828 Lord Brougham, in a speech of many hours' duration, brought before the House of Commons the defects of our legal and judicial system. This was followed by the appointment of a commission, which made a series of valuable reports, which ultimately led to the passing of the Common Law Procedure Acts of 1852, 1854, and 1860, and paved the way for the Judicature Commission and the Judicature Acts of 1873 and 1875.

The County Courts.

The great reform in the administration of civil justice, a reform which was resisted for half a century, was the creation of the county courts. In the year 1833 a Royal Commission recommended the establishment of a general system of local courts for the recovery of small debts, but it was not until 1846 that the present system of county courts—a most inappropriate and misleading title—was established. There are now upwards of five hundred of these courts grouped into fifty-four circuits and served by fifty-four judges. Their original jurisdiction, limited to £20, has been very cautiously increased, and increased so as to include Equity, Bankruptcy, and Admiralty proceedings, and to these have been added the special litigation involved in recent Acts, such as the Agricultural Holdings Act, the Employers' Liability Act, and the Workmen's Compensation Act.

Civil and Criminal Statistics.

The actions heard and determined in the High Court of Justice, county court, and all other civil courts of every description of first instance, in the year 1899, were 428,579; 421,964 of that number were heard and determined in the county courts. Of the total amount recovered in the Queen's Bench Division, £2,313,758 was recovered under order 14; £190,775 was recovered after trial by jury; and £352,688 after trial without jury. The amount recovered in the county courts was £1,817,462. In the year 1823, which is the earliest year to have satisfactory records, 63,241 actions were brought in the three common law courts. In the year 1899, 68,114 were brought in the Queen's Bench Division, but in that year there were 1,152,163 plaints issued in the county courts. Early in the century there were 1,138 causes entered for trial at the assizes in England and Wales. The number of actions entered for trial at the assizes in 1899 was 1,141. The average annual number of actions from 1845 to 1849 was 1,543. Every English town which was an assize town a century ago is an assize town still, except Abingdon, Buckingham, Thetford, and Kingston; but the following towns have been added to the list: Ipswich, Birmingham, Manchester, Liverpool, and Leeds. In the year 1899 no actions were entered at 4 of the assize towns, 5 causes and under were entered at 24 of the assize towns, and at 16 of such towns that has been the case for the past six years. Of the 1,141 causes entered for trial, 990 were entered on 5 of the circuits, and 151 on the other 4 circuits. Of the entire 1,141, 843 were tried or otherwise disposed of in court. The number of prisoners committed for trial at the assizes and quarter sessions of England and Wales in 1899 was 10,532. Of these 7,432 were tried at quarter sessions, 905 at the Central Criminal Court, and 2,565 at the assizes. At 5 of the county assizes the total number of prisoners for trial was 100. The number of commission days, exclusive of those commission days on which actions or prisoners were tried, was 139, and the annual average since 1895 of these useless commission days has been 135 days per annum. The total amount recovered in the 843 actions tried or disposed of at the assizes was £118,698.

Imprisonment for Debt.

A serious question that arises in connection with the county court system is imprisonment for debt. The number of persons committed by county court judges in the year 1899 was 7,864; in 1898, 7,803; and in 1897, 7,727. The attention of Parliament has been frequently called, and will, I have no doubt, be called again to this widely extended system of imprisonment for debt. Its modification, not to say its abolition, might, no doubt, to some extent affect the credit of the people, who would not be trusted if there was no power for imprisoning them for the nonpayment of their debts. There are those who think that the reduction of the credit system would be a boon instead of an injury to the working man, but it is an anomaly that the penalties of those who do not pay small debts—should so strikingly contrast with the treatment of the insolvents of a greater magnitude who not only evade the payment of their debts, but also the consequences which have been devised for preventing the wholesale defrauding. County courts have stood the test of half a century. Originally regarded as a debt-collecting agency, they have by the extension of jurisdiction which Parliament has conferred upon them, emphatically become tribunals for bringing within the reach of the masses and to their very doors justice year by year. As vacancies have occurred on the county court bench, men of high standing, long experience, and eminent judicial ability have been appointed to be county court judges. I am not surprised that one of the legal newspapers a year or two ago said: "In view of the deadlock so frequently occurring in the Queen's Bench Division, the absolute failure of the assize system, and the hopelessness of any reform, we have come to the conclusion that the profession will do wisely to direct its energies to placing county courts upon a satisfactory footing, with a view to the great bulk of the common law business of the country being done in those tribunals."

Barristers and Solicitors.

While we record changes in the law, we must not overlook changes in those by whom the law has been practised and justice administered. In 1800 there were 598 barristers-at-law, of whom 25 were King's counsel, 17 serjeants-at-law, and 556 juniors, and there were 172 special pleaders, conveyancers, and equity draughtsmen not called to the bar, and 4,969 attorneys, solicitors, and proctors. In 1900 there were 9,457 barristers, of whom 245 were King's counsel, and 9,212 juniors and 4 special pleaders and conveyancers not called to the bar; and the number of solicitors exceeded 16,000. In 1800 there were 12 common law judges and 2 equity judges. In 1900 there were 15 judges of the Queen's Bench Division, 7 judges of the Chancery Division, 2 judges of the Probate Division, 5 Lords Justices, and 4 Lords of Appeal. In 1800 there was no special legal education for barrister or solicitor, and no examinations prior to their being admitted to the practice of their profession. Now no one can be called to the bar or admitted as a solicitor without passing severe and testing examinations in both law and practice. There is still room for improvement in the legal education of law students of both branches of the profession.

The Reforms Still Necessary in the Administration of Justice.

While we congratulate ourselves upon what has been in the past, we must not shut our eyes to the necessity of what must be done in the future in order to complete the reform of the administration of justice in this country. The ideal of a perfect administration of justice is that the tribunal should be impartial and competent, that its procedure and decision should be speedy and final, and that this should be secured at the smallest possible expense to the suitor. The Judicature Acts have conferred great benefits on the suitor by improved procedure. I fear

they have not accompanied that boon with any reduction in the costs of litigation. On the contrary, the cost of obtaining justice in the High Court is greater. While the suitor has a right to be exempted from all cost which is not absolutely necessary, the public have a right to demand that the large sums which are provided out of public taxation for the administration of justice should be carefully guarded, and that the judicial ability and experience which the nation happily possesses (and for which the nation pays a larger sum than is expended on any other judiciary) should not be wasted or misapplied. I have already given to you the statistics of *Nisi Prius* trials in the provinces and of the lamentable waste of time—and that means waste of money—which they involve. I am satisfied that the overwhelming majority of the profession have come to the conclusion that, in the interests of efficiency as well as of economy, the circuit system should be completely and thoroughly reformed. In the days when the facilities of communication were limited, when there were few newspapers, and when the inhabitants of a locality rarely left their own immediate neighbourhood, and so constituted in themselves isolated communities, it might have been necessary for the effective administration of justice that twice in the year the representatives of the sovereign should be received in the chief towns of every county, and there bring home to the masses of the people the unity, the dignity, and power of that judicial system of which the sovereign is the head. But those days have passed away; what was appropriate and necessary in 1800 is an absurd anachronism in 1901. Do not let me be misunderstood. I am not in favour of centralizing the administration of justice in the metropolis. I see great advantages to the suitors and to the public in requiring that in the principal centres of population, and in suitable localities throughout the length and breadth of the land, both civil and criminal justice should be periodically administered by judges of the highest standing, and, holding that opinion, I am not an advocate for the sweeping away of the circuit system. That system can be preserved and strengthened and made more effective by a selection of suitable places where assizes should be periodically held, and by requiring, as far as practicable, the trial of local causes in the localities where the parties reside and where the dispute arises. Judicial time is far too valuable and too costly to be expended in trying petty larcenies and trumpery actions. A large number of the prisoners tried at the assizes ought to be tried at quarter sessions, and all criminal justice administered at quarter sessions held for counties should have the advantage, which many counties already possess and which is compulsory in all boroughs, of the presiding judge being a trained lawyer. All are agreed that the long imprisonments which too often intervene between the committal for trial and the actual trial should be abbreviated. That can only be thoroughly secured by the more frequent sittings of the courts before whom those trials are held and by a wise grouping of counties, apportioning to each county in its turn the holding of the assize. Much valuable judicial time would be saved by the simplification of the ceremony known as "the opening of the commission." I venture to suggest that an essential part of any effective reform of our criminal procedure is the establishment of a Court of Criminal Appeal. The astounding and indefensible variety in the sentences which different criminal judges inflict for the same offences is a public scandal, and although the interference of the Home Secretary modifies the severity which has been and still is a characteristic of our criminal justice, I think a surer and safer remedy would be the existence of a Court of Appeal, which would very soon practically establish the limits of punishment within which the judicial discretion would be beneficially exercised. No judge is entitled to allow any private or religious opinions of his own with respect to particular offences to influence the punishment which he awards on those who are guilty of such crimes. But the judges of the High Court not only try criminals; they also try causes, and too frequently causes of the most trivial description. Public opinion, whether professional or commercial, demands an extension of the jurisdiction of the county courts. A Nasmyth hammer will crack a nut as thoroughly as it will weld molten steel, but the great manufacturers of armour plates do not utilize their steam hammers for the cracking of nuts. That expensive amusement is the monopoly of statesmen and parliaments. We want the separation in county courts of what is merely debt-collecting from genuine litigation, which although perhaps small in amounts, are of great importance to the parties involved. County court circuits require reorganization, so as to secure something like equality in what is really judicial work, and that work, I think, would be better done by a smaller number of judges to whom a higher remuneration should be awarded. Differences of opinion as to details will of course arise, and it is not for me to discuss them here. I am advocating the principle of extension of county court jurisdiction, and if that principle is accepted by Parliament (as I am sure it would be accepted if the forms of the House of Commons did not allow a minority to delay such an acceptance) there would be no great difficulties in settling the limitations and conditions subject to which such extension should be allowed. The present state of the law with reference to appeal gives an unfair advantage to wealthy litigants, and while cases of real importance in which some far-reaching principle is involved ought to be subject to a limited right of appeal, there are a large number of appeals now allowed, both in matters of procedure of law and even of fact, which ought to be settled either by the court of first instance or by one Court of Appeal.

The Making of Our Laws.

One word before I close with reference to the making of our laws. It has been for many years my privilege to take a share in legislation, and while as a member of Parliament I resent (and that is not too strong a word to use) the sneers with which some judges (both of superior and inferior courts) criticize the drafting of Acts of Parliament, I am ready to admit that our present system is capable of improvement. Bills drawn by the eminent lawyers who are the permanent, impartial, and able servants of the Government for the time being are often marred and muddled by badly-drawn amendments adopted in a hurry by the committees to whom such Bills are referred. I sometimes think that all Bills should, after they have passed the gauntlet of Parliamentary discussion, be referred back to the official Parliamentary counsel for their report as to the wording of such Bills after they have passed through committee, and that an opportunity should be afforded of amending any errors of language, any confusion of meaning, or any conflict with existing law, to which the attention of Parliament would thus be drawn. We have made some progress in consolidation; that progress should be accelerated, and, as far as possible, the statutes affecting various branches of our legislation should be consolidated into one Act. Codification is a more difficult, but a not less necessary, reform in any ideal system of law. The experiments already made, such as the codification of the law affecting partnerships, bills of exchange, the sale of goods, are an encouragement to a more extensive following of the examples of the codes of antiquity, and of that greatest triumph of Napoleon, the code which will secure the immortality of his name when the story of his victories and his dynasty are the faded records of a forgotten past. That great lawyer and great judge, Lord Bowen, has well said: "There is and can be no such thing as finality about the administration of the law. It changes; it must change; it ought to change with the broadening wants and requirements of a growing country and with the gradual illumination of the public conscience." Our duty as members of that great profession which, through evil report and good report, has rendered no small service to the administration of justice and the protection of those individual rights and individual liberties which are the elements, the foundations, of civil society, of law and order, of individual and national freedom—our duty is to do our utmost to preserve the traditions which we have inherited; to remember the trust which has been entrusted to our care; to discharge that trust with unflinching integrity and unflagging industry; to play our part in attacking injustice and wrong; in bettering the laws by which our country is governed; and in promoting the speedy and effective administration of impartial justice. I ask you to-day, especially the younger members of this society, to draw your inspiration for the law reforms of the twentieth century from the legal history of the nineteenth century. Seventy years have passed since Lord Brougham in the speech to which I have already referred aroused the attention of the House of Commons while he detailed the defects, the abuses, the wrongs, the cruelties of the law and its administration. He closed that superb oration with a picture—I might say a prophecy—of the splendid future which he anticipated would be the glory of some distant age and some future monarch. "It was" (said Lord Brougham) "the boast of Augustus that he found Rome of brick and left it of marble. How much nobler will be the sovereign's boast when he shall have to say that he found law dear and left it cheap; found it a sealed book, left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor; found it a two-edged sword of craft and oppression, left it the staff of honesty and the shield of innocence?" The virtual realization of that noble ideal is not the least among the many memorable triumphs of the reign of Queen Victoria.

Mr. Hy. Baines (president of the Berks, Bucks, and Oxon Incorporated Law Society) moved a vote of thanks to the President, observing that he was the first solicitor who had been a member of the Government of this Kingdom.

Mr. F. P. Morrell (Oxford) seconded.

The Vice-President (Sir A. K. Rollit, M.P.), before putting the motion, said that there ought to be real reform, not merely in the professional, but in the public, interest. He hoped that many of the legal students would avail themselves of the advantages which had been referred to in connection with the universities, but there were multitudes to whom time and money were wanting for residence there. On their behalf the Council was considering what could be done, and perhaps in the reorganization of the University of London something might be effected, both by teaching and examination, which would render the acquisition of legal knowledge, and with it a degree, more accessible than in the past. The motion was carried with acclamation, and

The President briefly returned thanks.

Codification of English Law.

A paper on this subject was read by Mr. Wm. Simpson, of Leicester.

In the course of the paper, Mr. Simpson said that the chief objection urged against codification, is that it would destroy the freedom and elasticity of the old common law. This objection applies mainly, if not exclusively, to the fixing into a written code or digest of the *unwritten* common law. Until the main principles of common law are firmly established, and have grown, as it were, into a fair sized tree, it may be conceded that there is a danger of prematurely confining their growth within strictly prescribed limits. When, however, these common law principles have become fixed by the growth of several centuries, and are reduced into writing, either in the shape of reported cases or in the pages of established text-books, this danger practically ceases. Except as regards equity jurisprudence and the law of "torts," modern statutes have left scarcely any part of the old common law of this land untouched. The whole law of England (including equity and "torts") is now to be found stated in writing, either in the form of statutes, or in principles firmly established by judicial decisions contained in law reports and text-books. Surely it is preferable to find our law stated concisely, clearly, and in a readily accessible and authorized form—in a code or an Act—rather than be compelled to laboriously search through a number of books, extending over many generations, gathering fragments here and there, and trying, often vainly, to piece them together into a consistent whole. Perhaps the most striking example in favour of a code

is offered by the Bills of Exchange Act, 1882. The law on this subject before 1882, as we all know, represented the slowly developed customs of merchants, and was less touched by statute than any other branch of the common law in England. Yet this Act clearly and pithily establishes the main principles of the law. The application of the law to particular cases still remains the special function of the lawyer, but it is a decided advantage to lawyer and layman alike to have these principles accessible in a handy form. Since the passing of this Act the number of judicial cases settling disputed points on this branch of the law has considerably decreased. What has been done with regard to this particular subject can be usefully done, it seems to me, in reference to all branches of law. The main *principles* of each branch of law should be enunciated and declared. Another objection sometimes urged against codification is that when once the law has been fixed into the form of a code, its alteration and improvement would be rendered more difficult, and progressive reform would become almost impossible. In such a "changing" generation as ours, it is hard to conceive of such a fixed conservative adhesion to any code as is here imagined. Unless a complete code were produced by the genius of one man, perfect as a work of art, and prophetic to such an extent as to anticipate the changing customs and habits of future generations and centuries, it is obvious that changes would be required, and be actually insisted upon from time to time in any code. This age can scarcely boast of undue reverence for the wisdom of its ancestors, nor can it expect its own codes or other productions to escape the criticism of successors. If the above objection were seriously applied, it would, of course, equally extend to every Act of Parliament which professes to state what shall be the exact law on the special subject dealt with. A code would, of course, require amendment from time to time, but being presumably prepared with greater skill and care than an ordinary slipshod Act of Parliament, it would probably require *less* frequent amendment. Having thus satisfied ourselves of the desirability of codifying our English law, let us consider the best method of reaching this desirable goal. Our national independence rebels at the idea of any code imposed by any despot, however benevolent. A Code Napoleon is not to our taste. We can best reach our end by slow, tentative efforts. The form of many modern text books tends in this direction. Instead of piling case upon case, and statute upon statute, many writers (such as Dr. Odgers, in his famous work on Libel and Slander) digest the cases, and enunciate the law in the form of leading principles. This method is not only delightful to students and practitioners, but almost inevitably leads to the digestings of the law, and thence, *viâ* consolidation, to codification. Other instances of this method are furnished by the Bills of Exchange Act already referred to (for which we are indebted to ex-Judge Chalmers), the Sale of Goods Act, the Partnership Act, and the Arbitration Act. Again, consolidation of existing law leads towards codification. The Merchant Shipping Act of 1894, with its 748 sections and twenty-two schedules, the longest English Act ever passed, is an encouraging specimen of consolidation. The licensing law cries out for similar treatment. No less than thirty-two different Acts of Parliament are now in force affecting the law as to intoxicating liquor. Apart from licensing *reform*, why should not the existing Acts be consolidated and simplified? The same remarks apply to the Education Acts, the death duties, and many other branches of law. Another point upon which stress must be laid is the importance of wording our statutes in clear, scientific, and precise language. The average member of Parliament insists upon inserting into Bills various amendments drawn up in popular language, and the inevitable result is that the Act when passed is often inconsistent and unintelligible. If the individual member of Parliament desires to draw up his own will, or articles of partnership in his business, he usually employs a trained professional man to prepare the necessary document. Now this is what ought to be done with regard to the expressions of the national will in the form of Acts of Parliament. The House of Commons collectively can no more draw up a proper Act of Parliament than it can paint a picture or play a sonata. The House rightly insists upon directing and controlling the way in which the Act is to be drawn, but it should insist upon entrusting the work to trained professional hands. The inevitable result of the present slipshod method is to involve the public in litigation. The public blame the lawyers for this result, but the fault is that of the laymen. The judges have to interpret badly drawn Acts and try to reconcile inconsistent sections. Where Acts, such as the Wills Act of 1837 or the Bills of Exchange Act of 1882, are drawn up with technical skill by lawyers accustomed to use language with precision, courts of law have comparatively little difficulty in interpreting the words. But where laymen interpolate amendments couched in loose popular language to indicate their intention, without regard to other sections, and with no technical knowledge, confusion and litigation must follow. In vain John Stuart Mill, in his Representative Government, advocated the need of appointing a small commission of legislation to prepare and revise all Bills under the direction of the House of Commons. This reform, however, has never been systematically applied, or the Workmen's Compensation Act, 1897, would not have been passed in its present form. Still, one must recognize thankfully the excellent work of the Joint Committee for Statute Law Revision and Consolidation. What is needed most is to induce the general public, and the members of Parliament who represent them, to appreciate the importance of this work, and aid in carrying it into effect. The mercantile community have repeatedly urged the codification of mercantile law, and many eminent men have offered their services. Until a strong public opinion has been formed, so that pressure can be brought to bear upon the Government of the day, there seems little hope of further progress. The average member of Parliament gains no credit with his constituents by work of this kind, which is not of a "party" character, and is not sensational enough to stir up excitement. This matter is one in which our profession can and should lend powerful help. Let us shew the public that we are earnestly striving to effect a real improvement by simplifying and condensing our English law, not for our own personal pecuniary benefit, but in order to benefit our country and the Empire. The Wakefield Law Society last year called attention to the importance of promoting further consolidation measures, which seem to have ceased during the last five years. Let our other provincial societies unite in bringing the question forward, and the Incorporated Law Society's hands will thus be strengthened in this direction. When once the importance of the question has been fully appreciated there will be a hearty response to our appeal. Here is a truly imperial question on which all political parties should join hands. To make our law known throughout the Empire is the fitting sequel to the work of King Alfred ten centuries ago, when he laid the foundation of our Empire and consolidated the then existing law. Our aim must be to simplify and digest the law within reasonable limits, enunciating only its main principles—in short, to codify it. Thus and thus alone can we make our law widely known and appreciated, not only in our own Colonies and dependencies, but amongst other nations with whom the trade and commerce throughout the civilized world brings us into close relations. In this way undoubtedly we shall aid in the great work, now specially engaging the attention of our Empire, of cementing the bonds which unite this kingdom with its widely scattered dominions beyond the seas.

Mr. R. PENNINGTON (London) observed that the paper contained many useful suggestions. Probably codification and consolidation was a dream of the future, but could not something be done in the meantime to assist in improving the language of Acts of Parliament? He had a strong suspicion that the Acts of Parliament of the beginning of the reign of William IV. were not subject to revision in the House, as was the case with modern Acts. That was to say, the House, having settled the principle, left it to learned men to settle the wording, so that the Acts of that date were splendid instances of what legislation should be. The profession had always been anxious to have placed before it Acts of Parliament which they could understand, and if the profession took the lead in endeavouring to rectify the present anomalies it would be doing the public a service and itself also. He moved a resolution in the terms used by the president in his address, as follows: "That all important Bills affecting the general law should, after discussion in Parliament, be referred back to the official Parliamentary Counsel for their report as to the wording of such Bills after they have passed through committee, and that an opportunity should be afforded of amending any errors of language, any confusion of meaning, or any conflict with existing law, to which the attention of Parliament would thus be drawn."

Mr. GRANTHAM DODD (London) seconded the motion.

Mr. E. K. BLYTH (London) cordially agreed with Mr. Pennington. The whole profession must be aware of the immense difficulties which arose from the scattered form of our Acts of Parliament. Some of the colonies had very effectually codified their law. It was to be regretted that the mother country was behindhand in this respect.

The VICE-PRESIDENT (Sir A. K. Rollit, M.P.) referred to the great difficulty of dealing with the English law. One great obstacle was the arbitrary rule with regard to sessional legislation. A session was the merest arbitrary definition of time. He hoped something might be done to remedy this. There might be safeguards with regard to the revival of legislation of the preceding session, such as a two-thirds vote after a debate as to whether a measure should be renewed. One of the great obstacles to international trade was the difficulties that existed in the way of understanding the law.

Mr. HY. MANISTY (London) had no doubt that there were Bills for codification and consolidation in the pigeon-holes of the Government, but the rules of the House prevented any opportunity of getting them carried into law. Until the rules of the House were altered there would be no satisfactory consolidation or codification.

The PRESIDENT looked upon codification as a dream of the future. What was possible was the codification of various branches of the law, so as to advance by steps what would never be got by any great measure which would require a much greater power in the hands of the Government of the day. He urged the codification of distinct questions. He observed with regard to the revival of legislation that opinion in the House of Commons was divided on the subject. The opinion of great experts on Parliamentary procedure was in many instances against it. If they attempted too much they would gain nothing.

Mr. F. R. PARKER (London) observed that consolidation had to a great extent been effected, or at all events advanced, by the revised edition of statutes published under the authority of the Statutory Committee still sitting, and by such publications as Chitty's Statutes.

The motion was adopted.

LAND TRANSFER: A LEGISLATIVE BLIGHT.

A paper on this subject was read by Mr. J. S. RUBINSTEIN (London):

At the provincial meeting of this society, held at Dover in 1899, I read a paper on "The Bitter Cry for Law Reform," to prove that there was no body of men in the kingdom more painfully conscious of the shortcomings of our legal system than solicitors, and that no section of the community had striven longer or more earnestly for reforms than we had. I pointed out that our efforts had been futile, and I traced our failure to the fact that we were not only wholly powerless to give legislative effect to our views, but that we had, in fact, no influence whatever with the legal authorities with whom alone the power rested of bringing about any reforms in law or practice. On the present occasion I purpose dealing with one matter which will, I venture to think, demonstrate how far-reaching are the evil consequences to the public that follow when the

authorities legislate in direct opposition to the opinions held and the advice given by our branch of the profession. It is somewhat difficult to explain satisfactorily why the public should continue to hold the traditional view that solicitors are responsible for every defect, every shortcoming in our legal system. It is probably due largely to the fact that the persons occupying the highest legal offices, on whom the responsibility really rests, are not averse to the blame attaching to others. Consequently they have not thought it necessary to make it clear to the public that, assuming it was ever true, which I greatly doubt, that the law's delay, and other evils, were due to solicitors, that day passed away before the oldest member present was admitted, and that, in modern times at least, solicitors have not been allowed any voice in initiating or shaping such alterations as have taken place. If there is one subject more than another where the influence of solicitors is deemed traditionally bad it is in connection with the transfer of property, and yet the evidence to anyone looking at the matter dispassionately is conclusive that solicitors have been the victims of circumstances over which they have had no control, and that they have always been sincerely anxious to do everything open to them tending to simplify, and, as a consequence, cheapen the transfer of property. The freedom which in times gone by the law allowed to landowners to tie up land, and to make it subject to complicated trusts, was naturally reflected in the character of the deeds necessary to carry out the owner's wishes. Surely the law makers, and not the persons who had simply to carry out the laws, should bear the responsibility. Glancing back through our records, I find in the year 1852 Mr. W. Strickland Cookson, a member of the Council of this society, advocating drastic measures to bring to an end a system under which deeds have grown terribly long and complex, necessitating charges which were wholly out of proportion in most cases to the value of the property dealt with. Between 1852 and 1880 proposals for conveyancing reforms were brought forward at our meetings time after time, Mr. N. T. Lawrence, our president in 1879, delivering in that year a most striking address on the subject. To the late Lord Cairns the credit must be given of being the one Lord Chancellor who in modern times set himself to acquire a practical knowledge of conveyancing, and who had sufficient good sense to give legislative life to reforms in accordance with our views. In the year 1881 Acts framed by Lord Cairns effecting a complete revolution in conveyancing were passed. Practically everything that tended to make deeds long, technical, and unintelligible was abolished. The old system of paying solicitors' item charges for work done in deducing or investigating a title, whereby each letter and attendance had to be separately charged for, was superseded by a new system, whereby the remuneration was placed on a rational and well-understood basis of charging a small *ad valorem* percentage, commencing at 1½ per cent. and decreasing to ½ per cent., on the amount of money paid for a property, or on the sum lent by way of mortgage. Although in the main the enactments were permissive, they were immediately and gladly adopted by solicitors. One result was that solicitors' costs were largely cut down. It is, I think, impossible for anyone to ask for a better proof of my statement that solicitors have been anxious to bring about reform, without regard to their own personal profit, than the fact that they voluntarily and unhesitatingly adopted the Acts of 1881, notwithstanding that, as a consequence, their remuneration was at once greatly reduced. It is no exaggeration to say that since 1881, with the exception I will speak of directly, conveyancing work has been carried on in this country cheaply and without difficulty or friction, and with ever-increasing ease and simplicity. I do not say that the system is in certain details not capable of amendment; but if we had possessed any voice or power every defect would have been remedied immediately the need for amendment had appeared. There is, unfortunately, another chapter in the history of conveyancing during the last half-century that has to be told—a chapter in which the professional politician, the patronage-dispenser, and the red-tape official run riot. The evils of our conveyancing system, prior to 1881, being admitted, we certainly cannot complain that efforts should have been made to reform the land laws, nor can we feel any surprise that would-be land reformers should look abroad for a system to introduce here. In this country, however, solicitors have a practical knowledge of conveyancing not possessed by any other class in the community. The authorities who took the matter in hand, disdaining to take counsel with solicitors, failed entirely to appreciate that the conditions here were altogether different to the conditions elsewhere. In 1862 Lord St. Leonards passed an Act establishing a registry office where every landowner in the country could register his title. At the outset some landowners, attracted by the novelty, and in the belief that by registering their title their land would rise in value, went through the required routine to get their titles on the register. When, however, it was discovered that the process of registration was a very long, troublesome, and costly one, and that when the title was once registered new difficulties, delay, and expense were created in dealing with registered land, it is not to be wondered at that landowners preferred the old system, with all its drawbacks, to the new system, which it was found in practice intensified their troubles tenfold. The Act of 1862 became, in consequence, a dead letter. In 1875 an Act was passed with the view of remedying the defects of the 1862 Act, and another effort was made to induce landowners to voluntarily register their titles. Again, however, landowners found that officialdom, with its attendant evils of trouble, expense, and delay, stepped in and overshadowed every transaction brought into the Registry Office, and as a result the office continued to be shunned. The failure of the 1875 Act induced Lord Cairns, who was responsible for that Act, to study the subject more closely, and happily it occurred to him to take solicitors into his confidence. He became convinced that, in view of the exceptional and peculiar conditions that existed in this country, conveyancing reform was not to be found in any system of official registration. His ripened views as to the lines on which reform should proceed found expression in the Acts of 1881 to which I have already referred. It would have been a fortunate day for this country if, when the Acts of 1881 were passed, the official registry created by the Act of 1862 had been abolished, and the registry officials had received suitable pensions. Although its occupation was practically gone the office was allowed to remain, the officials continuing, of course, to draw their proper salaries just as if their services were of public value. On the Conservative Government coming into power in August, 1886, Lord Halsbury was appointed Lord Chancellor, an office which he has since held, except between the years 1892 and 1895, when a Liberal Government was in power. Almost immediately after his appointment the question of land transfer, which, it was thought, had been settled by the Acts of 1881, was once more forced under public notice. Commencing with the year 1887, Bills were almost annually brought in by the Lord Chancellor. The press teemed with letters written by lay experts, whose qualifications for giving advice appeared to arise from the fact that they were profoundly ignorant of conveyancing and wholly unaware that by the 1881 Acts the system of conveyancing had been marvellously cheapened and simplified. It was at this time, I believe, that one lay expert wrote to the papers urging that land should be transferable in the same way as Consols. The day after his letter appeared he called, we are told, at his bank, and in course of conversation with the manager he said, "By the way, would you mind telling me how Consols are transferred?" Politicians of variegated hues once more trotted out all the well-worn clap-trap arguments, which were swallowed by the public as greedily as ever, and they vied with each other in denouncing the wickedness and rapacity of solicitors in throwing, it was alleged, every conceivable difficulty in the way of the simplification of land transfer, by which, it was confidently asserted, interchange of property was prevented, a state of things that had to be changed if the country was to be saved from ruin. The Lord Chancellor, it was clear, had set his heart upon galvanizing the Registry Office into life by making it compulsory upon every landowner throughout the kingdom to register his title. All in vain was it to point out the iniquity and absurdity of forcing landowners into an office which had been in existence over thirty years and which had been found absolutely unsuited for business purposes. All in vain was it to quote the report of the only Parliamentary Committee which fully investigated the question in 1878 and 1879, and which reported as follows strongly against compulsory registration: "Your committee think it sufficient to observe that it would be very difficult to force upon every purchaser or mortgagee in this country a mode of dealing with his property which not one purchaser or mortgagee in 20,000 adopts of his own accord. Your committee feel that in arriving at the above conclusion they are only acting upon the axiom which is laid down by the Royal Commissioners of 1868 in their report, and which they believe to be perfectly sound, that 'for an institution to flourish in a free country it must offer to people the thing that they want.'" All in vain was it to quote the opinion of every conveyancing authority, from Lord Cairns downwards, including even Mr. C. Fortescue Brickdale, the present Registrar-General himself, who, in a book written on land transfer, stated: "No system really beneficial to landowners would require to be forced upon them"; and again: "Compulsion is either unnecessary or it is unjust"; although it is but fair to say that Mr. Brickdale has, I assume, now altered his mind and believes compulsion to be both necessary and just. Unfortunately, the Lord Chancellor never had personally any practical conveyancing experience, and, in spite of the views to the contrary held by every responsible conveyancing authority, he appears to have convinced himself that an adequate Government Department was imperatively required, and that, therefore, nothing short of a compulsory system of official registration of title could meet the case. Accordingly, all the pressure the Government could bring to bear was exerted to this end. The public were led to believe that the only opponents of the beneficent official system it was sought to make compulsory were solicitors, who opposed it simply from selfish motives, it being suggested that once the new system was in operation everyone could do his own conveyancing work without the intervention of a solicitor. The popular prejudices, played upon and directed with masterful adroitness, skill, and energy, ultimately became so strong that in 1897 the opposition was withdrawn on the authorities agreeing as a compromise to introduce certain provisions in the Bill then before Parliament which, it was represented, would safeguard the public from the evils that everyone with any real knowledge of the subject predicted would result from the passing of the Act. The principal safeguard relied upon was one which limited the operation of compulsory registration to one county for an experimental period of three years. After the Act had been passed, the authorities selected the County of London as the *corpus vile* for the experiment. The magnitude, complexity, and importance of London property might well have saved that county from a more than doubtful experiment. The authorities, however, had worked so long and so hard to establish a new huge Government Department that nothing short of the County of London would satisfy them. The Act of 1897 contained a provision, which was looked upon as another safeguard, whereby the council of the selected county was given a right to veto its application. The London County Council promptly, through one of its committees, took the wise course of communicating with the City Corporation and all the other local bodies in London, as well as the representative societies of bankers, building societies, auctioneers, and other bodies principally interested in London property. Some seventy answers were received; out of that number twelve vestries were in favour of the Act being tried in London. Every other body, including the London Corporation, twenty-one vestries, and every representative society, agreed that London was not a suitable county for the experiment. I happened at the time to have a conversation with a leading council official, to whom I expressed my

anticipation that in view of such a crushing consensus of opinion the council would be bound to veto the Act. My friend laughingly replied: "You don't know what you are talking about; you overlook the fact that

> "Every little Britisher who happens to be born alive
> Is either a little Liberal or else a Conservative.

The Conservatives on the council will vote for the Act because it has been passed by their party, and the Radicals will vote for it because with them registration of title is a shibboleth, although they have not the faintest practical knowledge of the subject," My friend was right. At the meeting when the matter was decided the whole of the expert opinion the council had itself obtained was completely ignored, and the Lord Chancellor had the satisfaction of seeing his Act pass the shoals in safety. The coast being thus cleared, an order was issued on the 18th of July, 1898, applying the Act to London. Obviously, however, London was too large to bring at once under the Act, and, consequently, it was first introduced on the 1st of January, 1899, in certain parishes, and then in others, and, with the exception of the City of London, it now applies to the whole county. As matters stand, it will come into operation in the City on the 1st of January next. Before, however, the Act could come in rules had to be made. This proved a tough task, and I happen to know that the Rule Committee met time after time trying to frame rules that would make some sense of the Act. After many months of weary work 280 rules were issued in November, 1898, with an appendix that included sixty-seven forms. In view of what has since happened, it is clear now that the authorities never really intended the Act to be an experimental one, but meant it to exist for all time, the representations that it was to be tried in one county only for three years being only a manœuvre employed, apparently quite legitimately according to Parliamentary ethics, to get the opposition withdrawn. How else are we to explain the fact that last year the Government brought in a bill to expend £265,000 of public money in purchasing a valuable block of property in Lincoln's-inn, and paying heavy compensation for trade interests, in order to erect in London a permanent Registry Office? In January last year I carried at a meeting of this society a resolution protesting against the introduction of such a measure before two years of the experimental period had run off. The reply of the Government was that there was not the slightest intention of departing from the understanding that had been arrived at when the Act was passed, a reply with which perforce our Council had to be content. I am bound to say that the reply did not satisfy me, and I personally communicated with over one hundred Members of Parliament, calling attention to the scandalous waste of the public money that was contemplated. In vain. The measure passed both Houses without a word of demur, notwithstanding that the money was to be employed in erecting a building for purposes purely local, and to be used by landowners, a small section only of the community. The experimental period of three years was to date from the first order, and, consequently, the three years expired on the 17th of July last. In March last the Attorney-General, answering a question put by Sir Walter Forster, stated that the Government did not intend to hold any inquiry into the working of the Act, adding that no case for inquiry had arisen. Not a word of protest came from either side of the House. If a private individual treated his obligations as the highest legal authorities in this instance treated theirs, I venture to think some law could be invoked that would bring sharply home to the individual the fact that his obligations could not be evaded. There are, roughly speaking, four classes that formed expectations, sanguine or otherwise, as to the working of the Act. These are—(1) the patronage-dispenser and the official; (2) landowners; (3) solicitors; and (4) the public. With regard to the patronage-dispenser and the official, there cannot be a doubt that the Act has come up to their most sanguine expectations. Already employment has been found for some 200 officials, and, according to a return issued last month, the salaries and expenses they drew for the year ending the 31st of March last amounted to £32,800. A permanent Registry Office, suitable to their dignity, is already assured, and if, as I think more than probable, the £265,000 public money already voted for the purpose will not be sufficient, they may rest satisfied they will be able to obtain from the same source, and without any questions being asked, as much more as they want. They can consequently look forward with every confidence to a future of ever-growing numbers, ever-growing importance, and ever-growing remuneration. The thought, too, that in the near future every county in England will have its registry office, each adequately staffed, and, consequently, necessitating some thousands of appointments, must, to the patronage-dispenser, be a source of never-ending gratification. The landowner's present view of the Act is one of bewilderment. They see no promise of fulfilment of the representations made at the outset that when once the Act was in operation it would simplify and cheapen the transfer of property. On the contrary, a purchaser now finds a purchase takes longer to complete, and the charges are considerably in excess of what they were previously, and when he asks what advantage he has gained by registration he derives no satisfaction from being told that he personally has not benefited, but that he has contributed towards the keep of a number of doubtless worthy officials. I recently completed for a client a purchase of a property he had bought for £1,250. My client was well acquainted with the old system, but expected wonders from the new. The costs came to £29 7s., made up as follows:

Settling contract, investigating title, and completing conveyance—scale charge	£17	10	0
Stamp on conveyance	6	5	0
	£23	15	0
Additional Charges consequent on Registration:			
Fees paid at the Land Registry	£3	10	0
Solicitor's fee on registration	2	2	0
	5	12	0
	£29	7	0

When the day of reckoning arrived, my client experienced a succession of shocks. The first was in finding that as a result of the new system he had to pay £5 12s., or over 20 per cent., additional costs. The second in ascertaining that if he ever sold the property the certificate of possessory title he acquired would not help him or help his purchaser in the slightest degree. The third shock was due to the fact that, anticipating that his whole title would appear on the certificate, and that this would be the only document to take away, he found he had to take the deeds plus a certificate which was little else than an index to his own purchase deed. It certainly struck him that his deeds proved he was entitled to the property and his certificate proved the same fact, and he asked me what there was to prevent a person mortgaging the deeds in one quarter and mortgaging the certificate in another, and so raising money twice over on the same property. My admission that the new system seemed designed to facilitate such transactions did not improve my client's opinion of compulsory registration. The danger thus pointed out, and many other facilities which the new system opens wide for frauds, will undoubtedly help largely in the near future to keep our magistrates and judges fully employed. Another elderly client of mine had an opportunity of testing the truth of the assertion that it was an easy matter for a layman to register his own title. Soon after the Act came into operation this client asked me what the costs would be on his purchase of a small property for £350. I gave him the following figures:—

Investigating title and completing deed (scale charge)	£5	5	0
Stamp	1	15	0
	£7	0	0
Additional consequent on Registration:			
Registration fees	£1	1	0
Solicitor's fee	2	2	0
	3	3	0
	£10	3	0

My client asked if he could not save the solicitor's registration fee of two guineas if he registered the deed himself, explaining that he was a man of leisure. I gleefully assented. Accordingly, on the completion of the purchase I handed him over the deeds with his own assignment, and under the old practice this would have ended the matter. My client promised to let me know later on how he fared at the Registry Office. At the end of about two months his nephew called upon me and told me his uncle was ill, and that he, the nephew, had been charged with the task of completing the registration. It appeared his uncle had been seventeen times to the registry. The first trouble had reference to the identity of the property on the ordnance map. After this had been surmounted, the authorities pointed out that the house had been demised with an adjoining house in one lease, and they required the original lease, which was in the possession of the adjoining owner, to be produced. The tracing and production of this lease turned out to be a difficult matter, but ultimately the lease was found and produced, but at an expense to my client of £3 15s. The authorities then explained that in looking into the title they found that the house had been sold by a mortgagee in whom the term less three days had been vested, and they required my client to get in the outstanding three days. At this point my client took to his bed. As a matter of fact, the registration of the title was never completed, as I advised that, if the authorities were right in their view, there was no need to register so long as the three days were left outstanding. Before compulsory registration was enacted it was commonly said the lay client would have registered under the Act of 1862, and afterwards of 1875, if he had been left to himself, but that he did not register simply because he was persuaded by his solicitor not to do so. This assertion was absolutely baseless. The Lord Chancellor himself, it may be mentioned, is a landowner, but he did not think it desirable to register his own land. In any case the assertion proves how little the parties who put it forward understand lay clients. As a matter of fact, if there is a way of saving expense, the client can be trusted to find it out. In a large number of cases the client inquires beforehand of his solicitor what the expense of a transaction will come to. Since compulsory registration has been in force, and the expense of registration has to be added to the other costs, this fact has turned the scale in many instances and has induced a wavering client not to purchase. The tendency of the Act thus to restrict transactions is seriously growing; and even if this fact stood alone, it fully justifies me, I submit, in speaking of the Act as a "legislative blight." I have added an appendix to this paper giving particulars of some cases that have come under my notice which illustrate the delays, difficulties, and troubles the registry puts in the way of everyday business. The ground is certainly being sown with that "crop of nice questions" which we, on the authority of the Registrar-General, know will fructify in due course. The experience solicitors have already acquired of the Act confirms entirely the views we formed when a system of compulsory registration was originally mooted. In 1875, over a quarter of a century back, Mr. J. W. Howlett, a former president our society, and a man of vast experience of the subject, read a paper, in which he stated: "Those who are practically engaged in business know that there is no greater source of delay, expense, uncertainty, and difficulty than in dealing with a public office. In conveyancing this is especially so, and from the old-fashioned Middlesex and Yorkshire Registries, down to the

modern Irish Encumbered Estate Court and the Lincoln's Inn Land Registry, public offices have formed a fertile source of delay, difficulty, and expense. The officialism, red-tapeism, and routine necessarily attendant upon a public office constantly double the delay and cost of a transaction. Moreover, a public office prevents the free action of parties, makes them dependent upon those over whom they have no control, and subjects them to rules and regulations they do not understand and cannot see the benefit of. The moment a public officer—with his forms and ceremonies, his ignorance of the facts of the case, his want of local knowledge, his necessary adherence to inflexible rules and forms, his office-like bearing and habits, his short hours and public holidays, his numerous cases all calling for attention at the same time—is interposed between man dealing with man, a sure and certain obstacle to the ready and easy transaction of business is created." Again, Mr. C. T. Saunders, also a past president of the society and a recognized authority on the subject, in the evidence he gave before the Parliamentary Committee, explained our objections to the new system in the following terse manner: "The rigidity of the forms and regulations, the want of elasticity to accommodate them to ever-varying circumstances, the interposition of a Government official who must take cases in their order regardless of emergency, the inability which must then exist of the solicitor being able to promise the client an all-important advance of money within a few days as he now can, the daily fret and annoyance arising from delays and official requirements in the place of the present free and uncontrolled mode of dealing with ordinary conveyancing matters, would be intolerable." Before the Act became law the public were led to believe that when once the expense was incurred of putting a title on the register, subsequent dealings would be immensely facilitated. Upon this point let me quote from a book published last month, entitled "A Century of Law Reform," and which contains a series of lectures delivered at the instance of the Council of Legal Education by leading professional experts. The lecture on the "Changes in the Law of Real Property" was delivered by Mr. Arthur Underhill, M.A., LL.D., and speaking of the new scheme, after pointing out that under the Acts property could be registered with either (*a*) an absolute title, (*b*) a qualified title, (*c*) a possessory title, he goes on to predict that few proprietors will elect to register with anything but a possessory title, as they did not do so before 1897, and "there seems to be no new reason why they should go to the expense and risk" under the 1897 Act. "What, then," he asks, "is the effect of registering land with a possessory title? The immediate effect is microscopic. In such cases all that the registrar can say is: 'On such-and-such a date A. registered this title as a possessory title. Whatever estate, if any, A. then had is now vested in B. as his registered successor. But whether A. was fee-simple owner when he placed the title on the register I cannot say, nor can I guarantee that the title is free from flaws before that date. You must therefore investigate the title of A. up to the date when he first registered it, or else take the risk.' . . . The net result is that until a possessory title has been registered for forty years at least, it will not be safe to assume that it is a good one, or that a purchaser or mortgagee who fails to investigate the title prior to the first registration will get any relief or compensation if he should be turned out. And this danger is accentuated by the fact (regrettable, I think) that, by rule 18, a person who registers with a possessory title is not bound to state whether the property is encumbered." Mr. Underhill's view that a certificate will be of value after forty years is, I consider, a mistaken one. Personally I do not believe they will ever become of greater value than on the first day of issue. The grounds for my belief will be gathered on a perusal of the cases referred to in the Appendix. In the case of leaseholds the benefit registration will confer is certainly microscopic if forty years out of a term of say fifty years has to run off before the certificate becomes of value. On the other hand, Mr. Underhill's view that "but few proprietors will elect to register with anything but a possessory title" is borne out by the official returns. The following table gives the number of certificates that have respectively been registered between the 1st of January, 1899, when compulsory registration first came into operation, and the 31st of December, 1900:

Year	Freehold			Leasehold			Total
	Absolute	Qualified	Possessory	Absolute	Qualified	Possessory	
1899	18	—	804	1	—	2,131	2,954
1900	21	—	2,564	—	7	8,774	11,366
—	39	—	3,368	1	7	10,905	14,320

The salaries and expenses incident to registration, and the receipts from fees extracted from the unfortunate landowners forced into the office between the 1st of April, 1898, and the 31st of March, 1901, are stated to be those given in the following table. The returns, however, shew that far larger salaries and expenses are paid and far larger fees are received. The figures are explained to be "approximately" apportioned between the registration and the other business of the office.

Year	Salaries and Expenses	Fees
	£	£
1898	5,000	2,203
1899	16,800	17,247
1900	32,800	37,800
Total	54,600	57,450

In all other countries where registration of title exists the certificate of "absolute" title is the only one known. The "qualified" and "possessory" certificates were invented and are known in this country alone. As every county in England has the same right as London to have a registry office erected out of the public funds, the invention bids fair to involve the public and landowners in continuous outlay, that may, with buildings, salaries, and expenses, aggregate millions of money. Whenever I personally have had the opportunity of explaining my views to any intelligent layman I have never failed in convincing him that the Act is a mischievous sham. The most effective weapons I can use for this purpose are the work on the Acts written by Mr. Brickdale, the Registrar-General, in conjunction with Mr. W. R. Sheldon, and a certificate of title as issued from the registry. I first call attention to the fact that the book contains over 600 pages before the Act has been the subject of a single decision. I then refer to the preface, in which the authors frankly admit that the Acts raise "a crop of nice questions," and the courts are bound to be occupied in settling "the numerous difficulties that are likely to arise on the construction of such revolutionary enactments," and they ask for "the utmost indulgence" for having to attempt "to hazard conjectures on the true construction of ambiguous expressions of the will of Parliament," and "to forecast at the outset of this *legislative experiment* the numerous changes in law and practice which may result from reforms" (!!!) "so drastic in systems which have been in vogue for centuries." A pleasant prospect truly for the landowners at whose expense the "crop of nice questions," and the "numerous difficulties," and "the construction of ambiguous expressions" are to be settled. Looked at solely from a purely professional point of view the prospect is certainly calculated to make our mouths water. For us, however, who have the interests of our clients at heart, we do not consider the outlook at all cheering when we recognize that through the "ambiguous expressions of the will of Parliament," or perhaps a slight slip or oversight on the part of a clerk, some valued client may be called upon to fight one of these "nice questions" upon which his right to an estate may depend. Such a fight might, it is quite conceivable, terminate in a meeting in the House of Lords, as the ultimate Court of Appeal, when whatever pleasure the meeting might afford the Lord Chancellor, as giving him the opportunity of explaining his own will (synonymous in this case with what our authors euphoniously call the "will of Parliament"), it would not be calculated to be a very gratifying one to the litigant, by whom the expense of the meeting had to be defrayed. It would be too great a strain on the limited time at our disposal if I were to call attention to even one-tenth of the moot points suggested by Mr. Brickdale's book. Extensive as it seems, it far from exhausts the subject. Questions occur daily in practice upon which no light is thrown, indeed some of the simplest and most practical questions are left severely alone. Take, for instance, the question of costs. The certificates of title cannot be of any practical value for forty years, even assuming, which I dispute, that they will ever grow into value. It will, therefore, in any case continue to be necessary on each transfer to investigate the title according to the old practice. How then are solicitors to be remunerated for transferring land already registered? Some say according to the scale under the 1881 Act, plus the additional registration fees. Others hold that the new practice has abolished the scale fees, and that solicitors must charge in detail as in the old days before 1881. Doubtless the point will soon come before the courts, and it will be a bad day for the public, especially for the purchasers of small property, on whom the new registration expenses so wantonly added press very heavily, if it is decided that the costs of dealing with registered land are not covered by the scale charges. In that case not only will the Lord Chancellor have to be thanked for having thrown conveyancing into dire confusion, but also for re-establishing the vicious system of remuneration, whereby each attendance and letter is charged and paid for separately—a system detested alike by our clients and by ourselves. In an earlier part of this paper I mentioned that 280 rules have been issued. So many questions arose in actual practice that were not covered by the rules, and so many in which the rules were found to operate disastrously, that they appear now to be entirely ignored, the Registry Office treating each case of difficulty as it arises in accordance with a rule invented for the occasion. This method gives, no doubt, great elasticity to the practice, but it is not unattended with drawbacks, one being that a decision on a matter to-day is apt to differ from the view taken in a similar case to-morrow. The result is a delightful feeling of uncertainty, which is at least a complete safeguard against the new practice becoming monotonous. With regard to the certificate of title itself, I must content myself now with the short particulars to be found in the appendix. It is a document which bears on the front page not only the Royal Arms, but the arms of the six lord chancellors who have last held office, not to mention a large red seal. In view, however, of Lord Cairns' emphatic repudiation of compulsory registration, and the fact that the Act aims at destroying his best and most valuable work, the inclusion of his arms outrages surely good taste and common decency. In artistic merit, as well as in appearance, the certificate approaches, if it does not surpass, the best school prize certificate I have ever seen. Mr. Underhill's description of it in his lecture as "a scrap of paper" is, to say the least, highly disrespectful. I must admit that the word "apathy" best expresses the attitude of the public towards the new system. I have already stated the fact that last year, a year of great financial pressure, £265,000 of public money was, without a word of adverse comment, appropriated for a worthless Government building. This year our society passed, at a meeting held in the early part of the year, a motion calling upon the Government to redeem its pledges by instituting an inquiry into the working of the Acts, and a similar motion was later on passed by the Land Law Reform Association.

The City Corporation sent a deputation to the Lord Chancellor to urge that the new system should not be extended to the city until after an inquiry had taken place. The statement subsequently made in the House that the Government had no intention to hold an inquiry was, however, accepted without a voice being raised in protest. The press rarely refers to the subject except to mention that so many thousand titles have been registered, which it treats as proof of the success of the new system, quite oblivious of the fact that this number has only been registered because registration is compulsory, and that the landowners who have been thus forced to register are groaning under its weight. The *Times* is justly looked upon as an organ of enlightened public opinion. It is exceedingly instructive to compare its attitude in 1897, before it was clear that the Act would be adopted in London, with the attitude it has since taken up. In a leading article on the 5th of June, 1897, the *Times* said, after referring to the fact that the 1895 Bill was dropped: "One important change is a clear statement of the tentative character of the measure. The associated provincial societies resolved to oppose the provisions as to compulsory registration unless it was made apparent that the Bill was in the nature of an experiment, that the area to which compulsion should apply was limited, and that a period sufficient to enable one to judge of the working and merits of the measure should be allowed to elapse before the area is extended. The new Bill substantially conforms to these conditions. If the Government measure passes we shall watch an interesting experiment. If the experiment fails, few are so enamoured of the principle of registration of title as to refuse to retrace their steps, which the provision as to removing land from the registry will facilitate." On the 13th of December, 1897, the *Times* said: "An experiment such as will satisfy friends and foes of the measure can be made only in a county where titles are intricate, and where the volume of transactions is large, and where the system can be fully tested as to despatch and convenience, and compared with the present methods of conveyancing. For thirty years there has been theoretical discussion: suppose we have two or three years of actual trial." Again, on the 16th of February, 1898: "It has been officially explained that even in London the Act will only be brought in gradually. If, after a fair trial, it is proved that it does not work satisfactorily, that it impedes freedom of transactions, and tends to increase rather than to diminish legal expenses, there will be no difficulty in reverting to the present state of things." Last year I read a paper on "How to Set Our House in Order" at our Weymouth meeting, and I referred briefly to the Act of 1897 in the same sense that I am speaking to-day. The *Times*, in a leading article on the 26th of October last, referred to the "querulous spirit in which measures deliberately passed by the Legislature after long consideration—for example, the Land Transfer Act"—were received. "That measure," the article asserts, "has come to stay. We might look to the young men to accept the inevitable and to do the best in the new circumstances" I must leave to others the task of explaining why in 1897 all that the *Times* pleaded for was "two or three years of actual trial," and why in 1900, when everyone who has been forced to go to the registry joins in a chorus of condemnation, the *Times* designates a claim that the authorities should carry out their pledges and hold an inquiry as "querulous," and requires us to "accept the inevitable" on the ground that the Act "has come to stay." At the risk of having some word used even stronger than "querulous" I emphatically re-assert that the Government is bound, as proved by the extracts I have given from the *Times* itself, to carry out its deliberate pledges to grant an inquiry, and I refuse to accept as a sufficient justification for the evasion of its pledges the fact which must obviously be well known to the authorities, that if an independent inquiry took place the case for continuing compulsory registration would fall to pieces like a house of cards. The present attitude of the London County Council is another proof of the apathy of the public. The council had before it, when dealing with the matter in 1898, a letter from the Privy Council, dated the 18th of January, 1898, in which it was stated that the intention was that the order applying the Act to London should be made to take effect progressively. The letter continued: "This method of carrying the order into effect will have the advantage of not throwing immediately a very heavy burden on the registry, and will also afford such an opportunity as the county council appear to desire of estimating the value of the work as it proceeds, and of watching generally the progress of the Act. I am to add that any representations which their experience of the Act might lead the county council to make would undoubtedly receive careful consideration." The resolution as carried by the council was as follows: "Resolved: That the Privy Council be informed that the London County Council relies on the order applying the Land Transfer Act, 1897, to London being so framed that it shall be made to take effect according to the terms of the letter from the Privy Council, dated the 18th of January, 1898." Last year the attention of the council was drawn to the fact that, in direct violation of the spirit of the pledges given by the Government, a Bill had been brought in to raise the £265,000 public money to build a permanent registry office. The council, however, made no sign. This year again the council remained dumb when asked to assist in inducing the Government to grant an inquiry in redemption of the pledges they made in 1897. Judging from the way the London County Council has dealt with the subject I can well believe that the selection by the Act of 1897 of county councils for the purpose of deciding whether or not the new system of land transfer should or should not be allowed to apply in their respective counties must have afforded the promoters of the Act considerable amusement.

After quotations from a letter to the *Times* on the Liverpool Court of Passage Mr. Rubinstein concluded as follows: Archimedes asserted, we are told, that he could with a lever move the world if he could find a fulcrum large enough. Whatever its size, it would, I conceive, be insignificant in comparison to the one that would have to be found to move the official octopus when once it has fastened one of its suckers on to the public purse. With London within its grip, and with an Act which, now that the period of three years has expired, can at once be extended to every county in England, what hope is there that anything we can say or do can stay the blight that has settled upon London from spreading over the whole country? Black and drear as the outlook is, we must not, I contend, retire from the field. We have, it is true, so far been defeated, and doubtless we could retire with a clear conscience and accept the gold mine that the new Act must prove to our profession as the consolation prize for our defeat. Our duty, however, to the public, to our clients, and to ourselves imperatively calls upon us to continue the fight to the bitter end in the hope—vain and forlorn though it be—that the public may even now open its eyes before the descending knife completes its work.

Mr. J. S. Beale (London) said that land transfer was brought into being as a result of the enormous force of public opinion in favour of the experiment. The profession had been practically unanimous in their views upon the subject. They believed from their own experience that land transfer was disadvantageous to the public, but they had been overruled by public opinion. But it was clear that it was a tentative measure and ought not to be extended without an inquiry as to its working. Its demerits entirely superseded its merits. He moved that "In the opinion of this meeting there has been sufficient experience of the working of the Land Transfer Act, 1897, to justify and demand full inquiry into the operation and effect of compulsory registration of title."

Mr. F. Kent (London) seconded the motion.

Mr. M'Lellan (Rochester) urged that an endeavour should be made to move the Legislature to open or allow an inquiry.

Mr. Humphrys (Hereford) pointed out that the Act could not be extended except by request of a county council, and solicitors should use their influence to educate their clients so that the councils should not make the request.

Mr. W. Melmoth Walters (London) asserted that land transfer increased the profits of solicitors, and it proved their devotion to their clients that they were anxious to get rid of it.

The motion was unanimously adopted.

The Workmen's Compensation Acts, 1897 and 1900.

A paper on this subject was read by Mr. Muir-Wilson, Clifford's-inn Prizeman (June), 1878, which constituted a complete compendium of the decisions, clearly arranged. In conclusion, Mr. Muir-Wilson suggested the following amendments for consideration: (*a*) In section 1 (1) omit the words "by accident" and so dispense with the doctrine laid down in the cases of *Hensey* v. *White*, *Lloyd* v. *Sugg*, *Timmins* v. *Leeds Forge*, and similar decisions as to the element of fortuity. (*b*) Section 7 (1).—Repeal the whole of this sub-section and extend the Act to all workmen as defined in the Employers and Workmen's Act, 1875 (38 & 39 Vict. c. 90, s. 10), and include seamen and apprentices. Amend (2) to be in accord with this proposed alteration. (*c*) Schedule 1st (13).—Confer upon the workman a right to apply to fix a lump sum as redemption of any weekly payment. (*d*) Schedule 2nd (8).—Omit all provisions dealing with registration of a "memorandum of agreement."

Mr. G. P. P. Allen (Manchester) said the trades unions were behind the workmen, and were practically the real plaintiffs in cases under the Acts. It was entirely wrong that employers should be fought by the unions. If the employer lost his case he had to pay, and if he won he could not get his costs because of the supposed poverty of the plaintiff.

The Larceny Act, 1901, as Affecting Solicitors.

A paper on this subject was read by Mr. T. Holmes Gore (Bristol):

It is said that on looking through the index to a treatise on Ireland, the reader might find the word "Snakes"; and on turning to the indicated page would learn there that "there are no snakes in Ireland." Perhaps a similar idea might arise from the title and substance of my paper, for the Larceny Act, 1901, does not mention solicitors at all; and it applies to every person, whatever may be his employment or want of employment. The profession, however, is very considerably affected by the new statute; and more particularly by what it repeals. Before it comes into operation on the first day of January next, let us consider what are the principal changes it effects. The statute is short, and is set out in the foot-note.* For nearly a century there have been slightly varying provisions on the Statute Books for rendering bankers, brokers, attorneys, and solicitors amenable to heavy punishments, who, being entrusted with property, with a direction in writing to apply the same to some special purpose; or for safe custody, without authority to negotiate or transfer the same, should appropriate the same to their own use, or otherwise misappropriate the

*1.—(1) Whosoever—

(*a*) being entrusted, either solely or jointly with any other person, with any property, in order that he may retain in safe custody, or apply, pay, or deliver, for any purpose or to any person, the property, or any part thereof, or any proceeds thereof; or

(*b*) having, either solely or jointly with any other person, received any property for or on account of any other person,

fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property, or any part thereof, or any proceeds thereof, shall be guilty of a misdemeanour and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment, with or without hard labour, for a term not exceeding two years.

(2) Nothing in this section shall apply to or affect any trustee on any express trust created by a deed or will, or any mortgagee of any property, real or personal, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

2.—(1) Sections seventy-five and seventy-six of the Larceny Act, 1861, are hereby repealed.

(2) This Act shall have effect as part of the Larceny Act, 1861, and section one of this Act shall be deemed to be substituted for sections seventy-five and seventy-six of that Act, and references in any enactment to those sections shall be construed as references to section one of this Act.

same. The history of these provisions has been referred to in a paper read at the provincial meeting in 1894; in the report dated the 14th of June, 1900, of the special committee of this society, of which Mr. Manisty was chairman; and again in the president's address at Weymouth last year. In the former statutes the words "with a direction in writing" and "without authority to transfer, &c.," were considered of the utmost importance, but were rarely to be found among the facts of a concrete case. In consequence, many brokers and other agents, including some fraudulent members of our profession, have escaped punishment for acts for which, if committed next year, they may suffer penal servitude. The Lord Chancellor in introducing the new Act, referring to existing law, said, "In the ordinary course of business it was not once in ten times or once in a hundred times that the necessary conditions for conviction were fulfilled." The repeal of sections 75 and 76 of the Larceny Act, 1861 (which virtually comprise three offences), and the new enactment making one general provision, will wipe away a blemish on English law, of which eminent judges, as well as the president of last year, have long been ashamed. It is due to Mr. Ellett, Mr. Manisty, and other members of the special, and to the Disciplinary Committee, that the Bill has this year passed so easily through the Legislature, and become the law of the land. A question now arises, since solicitors are placed on the same level as commercial men, and all other men, when committing fraud by appropriating other people's property, how are they especially affected by the change? In the report of Mr. Manisty's committee of June, 1900, such frauds are referred to as forming the majority of the complaints investigated by the Disciplinary Committee on applications to strike solicitors off the rolls. If however the peccant solicitor in carrying out his fraudulent scheme committed larceny or forgery, the committee would of course have placed the complaining client in communication with the Director of Prosecutions. That no doubt will be the future course in all cases to which the new Act obviously applies. As an old clerk to justices with some London experience I am tempted to add a few words as to charges possibly coming under the Act, or which appear to be on the border line. For over fifty years it has been the practice of the judges of the Central Criminal Court to postpone the hearing of charges of a criminal nature, involving an issue identical with that about to be tried in a civil action, until the latter has been decided. And it used, and I believe still is, customary for the London magistrates to discourage charges being made against professional men when civil proceedings are pending. In some such cases, indeed, provision is made by the Legislature to prevent rash action on the part of private prosecutors, as in section 80 of the Larceny Act, 1861, which prohibits the prosecution of fraudulent trustees except by the Attorney-General's or by the judge's order. And it should be noted that section 85 of the same Act included the two repealed sections, affecting bankers and solicitors, by virtue of which provision a compulsory first disclosure of this class of fraud would prevent the offender from being subsequently convicted. As section 1 of the new Act is to stand in the place of the two repealed sections, it follows that the same provision applies to the new class of offences; and the same protection is thus afforded to him, who, in a civil action, is driven to confess his fraud before it is otherwise discovered. In reference to persons who have already committed, or who before the end of this year may commit, any offence aimed at in the new statute, they will probably have to be dealt with under the provisions of the repealed sections 75 and 76; and then if they are not bankers, brokers or solicitors, or agents *ejusdem generis*, they may escape punishment altogether, as in the case of *R.* v. *Kane* (1901, 1 Q. B. 472), decided in December last. This arises from the effect of clauses (*b*) and (*d*) in section 38 (2) of the Interpretation Act, 1889, which appear to preserve the old procedure for cases of misdemeanour committed before the new Act comes into operation. Another effect, from the position in which the new Act is to be read into the old Larceny Act, is, that courts of quarter sessions will not have jurisdiction to try such cases. As a practical conclusion of the foregoing considerations it may be said, that a client who has been defrauded has, like other unfortunate persons, three courses open to him:—

(1) He may complain to the Disciplinary Committee (probably his wisest course); but, if the case is within the provisions of the new Act, he may be referred to his Majesty's Director of Public Prosecutions.

(2) He may bring an action; and if the solicitor is a trustee, that may be a necessary preliminary.

(3) or he may himself initiate a prosecution.

He will require to be well advised in making his choice; and he should know that the adoption of a civil remedy in a criminal matter should be the first or the last resort; and certainly not synchronous.

Dinner.

A dinner took place on Tuesday evening in Balliol College Hall, Mr. Baines presiding.

The Master of Balliol proposed "The Houses of Parliament," and expressed for himself and the Fellows of Balliol their welcome to the Law Society. With the exception of the Civil Service, Balliol had contributed more members to the profession of the law than to any other profession, and therefore he thought it was very appropriate they should hold their festival in that hall.

Lord Jersey replied for the House of Lords.

Sir W. Anson, M.P., in responding for the House of Commons, said he sometimes thought that the procedure of that Assembly was not in all respects adapted to the conditions of modern life. In the interests of the public and of the members themselves, some means must be taken to produce the same or a greater amount of work with less friction, less expenditure of time, and less loss of health, and possibly of temper, to those who had to deal with the matters in hand.

Sir Francis Jeune, in replying to the toast of Bench and Bar, said he viewed with the greatest possible satisfaction the fact that the best intellects of Oxford looked forward to the career of the law as affording an adequate object and goal to their industry, abilities, and ambition.

Professor Holland also replied to the toast.

The Rector of Lincoln proposed the toast of the Incorporated Law Society of the United Kingdom.

Sir Henry Fowler, in reply, spoke of the necessity of associating the legal profession in both its branches with the university system. Referring to an incidental allusion to the family lawyer, he said that any man who knew what the family lawyer meant and the responsibilities that developed upon and were discharged by those 15,000 or 16,000 gentlemen must also know that those duties were discharged with great assiduity, great integrity, and unblemished honour. The offenders were very few and far between. Of course, when offences occurred public attention was very properly drawn to them, and they tended to promote a higher and keener sense of honour amongst those who were perhaps unfairly and unjustly attacked as being responsible for the sins of the profession as a whole. Nothing would tend to improve the character, not only of lawyers, but of all classes of professional and educated life, than increasing the opportunities for higher education. He should take away from Oxford, as one of the lessons which this anniversary had taught, that it was the duty of the Council of the Incorporated Law Society to take up with perhaps a stronger hand than hitherto the whole question of legal education.

Wednesday's Proceedings.

The meeting for the reading and discussion of papers was resumed on Wednesday morning, the President again taking the chair.

The Profession and the Society; the Society and the Council.

A paper on this subject was read by Mr. J. S. Beale (London):

The desire for the advancement of our common profession is shared by us all. Individual action can do little towards it; united action is essential—united action must be through our recognized professional associations. The Incorporated Law Society in conjunction with the country societies. But the Incorporated Law Society is hampered by its anomalous position, while its functions as registrar of solicitors—as the examining body for entrance into the profession—and (through the Statutory Committee) its disciplinary powers often leading to exit from the profession are all general; its representation of the profession is partial and unsatisfactory, membership is voluntary, and includes only about 48 per cent. of practising solicitors. We should all agree that increased membership would strengthen the society's power of good: how that increased membership can be obtained is a problem which has occupied the attention of the Council on the report of a committee specially appointed to consider it. This report has been referred to the country societies for their consideration, and although one of the suggestions made in this paper also finds a place in the report, I venture to put it forward here, because the subject is one requiring full discussion amongst members of the society before its adoption could be recommended. In considering how membership of the society can be increased, the question necessarily arises whether it can be made compulsory; the answer is No! because, apart from other considerations, legislation would be necessary, and legislation is impracticable; we must seek for what can be effected under our present powers, or possibly under a supplemental charter, if sufficient cause can be shewn. What is the principal cause which keeps 52 per cent. of practising solicitors outside the society? I believe this is mainly indifference. Membership of the society involves an annual subscription, and many solicitors see no tangible advantages which membership of the society would give them. These gentlemen recognize the general functions of the society referred to above. Of the weekly labours of the Council and its numerous committees they know nothing; accepting as of course any advantages which the Council may have been able to secure for the profession, sternly critical of the Council when desired results cannot be obtained. None of these gentlemen would say that professional organization is not advantageous, they are simply content to leave the work to others; and it is against this indifference that we must struggle if we are to include this large class of our professional brethren in the ranks of the society. We can all agree that membership of the society necessarily implies a certain professional standing. Members are elected by ballot of the Council after due notice, and are in practice certified to the Council before election by the wide knowledge of the executive staff, who do not fail to detect a candidate of doubtful qualification. It is not common experience that when the name of a solicitor not personally known arises in any business connection the Law List is immediately consulted to see if he belongs to the society, and if so his professional status is admitted. The conclusion to which I desire to lead your minds is that the best weapon against the enemy of indifference is that members of the society should proclaim themselves as such, not only by an asterisk to their names in the Law List, but by an indication which in the ordinary course of business will reach their clients, their brother solicitors and members of other professions with whom they have dealings. Consider those other professions—a civil engineer writes himself C.E., a mechanical engineer as M.I.M.E., an architect as F.R.I.B.A., and a surveyor as F.S.I. All these initials are properly and usefully adopted as indicating a certain professional status recognized by the professional authority. Why then should not members of the Incorporated Law Society adopt the initials I.L.S. on their notepaper, and on their business communications generally? It would cost nothing—it is a change easily made; but it would have the effect, if adopted with the sanction and example of the Council and of the country law societies, of indicating clearly in our daily work which solicitors were recognized by their professional organization as qualified for membership.

This suggestion does not originate with me, it was made to the Council some months ago by a country member, but upon reflection it appeared to me so eminently useful and practical that I have ventured to lay it before you. Consider what the effect would be on the minds of the thousands of solicitors who, being qualified for membership, remain at present outside the society, when they receive letters from solicitors and firms of good standing, which shew that the writers recognize membership of the society as a professional distinction. Would not their indifference to the claims of the society speedily disappear? Would they not feel that they must promptly qualify themselves to use the distinguishing initials? If so, the representation of the profession by the society would at no long interval be assured. Another question which has occupied the attention of the Council, and deserves yours, is, whether any improvement can be effected in the constitution of the Council, and the selection of candidates for election. The Council now consists of forty elected and ten extraordinary members, the latter being selected annually from presidents of country societies. Our charter would permit of an increase of elected members by ten. Out of the forty elected members, seats are allotted to country members by mutual arrangement. Ten members, being one-fourth of the elected Council, retire annually, but are eligible for re-election, and hitherto retiring members standing again have been uniformly re-elected. By deaths and voluntary retirements the average annual number of vacancies filled by the election of new members has been two per annum. We have often been told in the hall and occasionally by candidates' circulars that the Council does not represent or secure the confidence of the society as a whole, but this theory is difficult to reconcile with the result of the recent election. We can all agree that a reasonable, and as far as practicable a regular circulation in the Council is desirable, and various suggestions have been made to attain this object. These include an age limit, and retirement without eligibility to re-election for a defined period, neither of which bear the test of close examination. Another proposal is that past presidents who have necessarily served twelve or more years on the Council before reaching the chair, and who have given to the society that large share of their time and abilities which the positions of vice-president and president demand, should become *ex officio* members of Council exempted from periodical retirements and re-election, and thus each president on leaving the chair would, while retaining his seat on the Council, create a vacancy among the elected members of Council to be filled from outside. Such a plan would involve an alteration in the number of elected members, and the total number of the Council, instead of being fixed as at present, would vary within narrow limits according to the number of *ex officio* members; this variation would not, however, be material, as the authorized number of the Council is larger by ten than the present actual number. Taking twelve as an average number of past presidents, an elected Council of twenty-eight would about represent past experience, and the aggregate number of the Council, including extraordinary members, would range between forty-eight and fifty-two according to the number of past presidents continuing as *ex officio* members. This scheme, if accepted, could be carried out within the charter, by an amendment of the bye-laws. Speaking for myself alone (the Council having considered but not pronounced upon the suggestion), I believe this change would be advantageous, and submit it for the consideration of this meeting. Another and somewhat delicate subject well worth discussion is the selection of candidates for the Council. At present we have open nomination and in recent years an annual contested election. It is worth notice that through the organization of the provincial law societies nominations for the seats which by custom are filled by country members, are agreed, and are supported by all the country societies. Is not some similar scheme possible in London? Without attempting to formulate any detailed plan, a committee of selection should be as easily formed by London solicitors who interest themselves in professional questions, as by the electors of either political party in a Parliamentary constituency. Such a committee would necessarily be voluntary, but would consider the relative claims of aspirants to the Council, would exchange views with the Council, and their nominations would properly carry weight and influence. Speaking again only for myself, I should regard such an organization among London solicitors, if framed upon a broad foundation, as likely to result in the selection of the best men capable of aiding the Council's work in some or other of its very numerous branches, as tending to reduce friction among possible candidates to a minimum, and as drawing closer the relations of the Metropolitan members of Council to their immediate constituents. I venture to submit these various suggestions for consideration and discussion, not as heroic remedies, but as matters which, if they should find favour, would tend to the furtherance of the objects which we all have at heart—viz., that the Incorporated Law Society should fully and efficiently represent the whole of the honourable profession of solicitors, and that the Council of the society, recognized as entitled to the full confidence of their constituents throughout the country, shall be better enabled to make the good influence of the profession felt, in legislation, in legal administration, and in the maintenance of honour and uprightness in all our professional relations.

Council Elections.

A paper on this subject was read by Mr. W. P. W. Phillimore, M.A., B.C.L. After some preliminary remarks he said:

In the first place, it may be well to illustrate how, possibly, the Council acts against the general feeling of the society, though as at present constituted it is impossible to dogmatize, since we do not take polls on disputed questions. Still, in my individual opinion there can be no reasonable doubt that the Council sometimes acts in direct opposition to the opinions of the profession at large, and also against the wishes of the society. Take one instance affecting each of those two classes. For many years the profession has suffered from an obnoxious impost called "certificate duty," which was originally levied as a war tax, and has now lasted about 100 years without the slightest effort on the part of our Council to obtain its removal, although a recent Chancellor of the Exchequer hinted not many years ago that it might be modified, if not abolished, were it taken in hand by the profession. The Irish and Scotch Law Societies have actively urged its abolition, and a poll of one midland city was taken a few years ago, with the result that some 80 per cent. voted against the continuance of the tax. Yet our Council has remained uniformly apathetic, influenced mainly, it is not uncharitable to suppose, by the fact that the repeal of the certificate duty would result in a loss of income to the society of some £4,000 a year. Now take a matter of domestic interest to the society. For many years the Law Club has been a lively source of discord. When attacked in the Law Courts years ago for its illegal constitution, it committed the happy dispatch, was "reconstructed," and under the auspices of the Council continued much the same sort of exclusive club as before until the hostile vote of a general meeting last year. Instead of accepting the unmistakable mandate of the electorate, and confirming the vote then so plainly given, the Council has opened a tea room, and proposes to continue the anachronism of a club in Chancery-lane, but at the society's expense. Who can doubt that, if the ordinary members had had the means of impressing their views on the Council, both the certificate duty and the club would long since have been swept away into the limbo of things which should never have been? That many, perhaps most, governing bodies are accustomed to manœuvre to control the elections so as to retain power in the hands of the predominant faction is almost an axiom in electoral procedure, but the charge of manipulating the election by means of a house-list is one usually made with bated breath and repudiated with some shew of simulated indignation. The open practice of this method has been reserved for our Council, and its apologist is our present President, a statesman of Cabinet rank. It is not as if the starred candidates represent any definite policy. Their views may be utterly diverse, and in fact the house-list, combined with the official candidates' neglect to indicate their views, merely indicates an ignoble clinging to power for its own sake. We have a right to know the opinions of the candidates on leading questions, such as reform of High Court and county court procedure, the Long Vacation, land registration, professional discipline, articled clerks' education, certificate duty, as well as questions of domestic interest, such as the continuance or abolition of the Law Club, or the improvement of the library. For the Council to attempt to force us to vote for their house-list candidates without knowledge of the opinions of these gentlemen may be regarded as an affront to the society and indeed to the whole profession. By means of this house-list our rights to make a free choice of our representatives have been informally abrogated, and handed over to what is virtually a close corporation. We have to remember that the Law Society—to give it its short title—was in its inception merely a local law society, and indeed not the oldest organisation of its class. It is still in the main a London society, for, though not actually in the majority, the London members contribute in subscriptions some £7,132, as against £4,187 received from the country members. It has, however, by degrees acquired general powers, and the Council is now the principal controlling influence in the profession. At present any person who aspires to a seat on the Council must seek to have his name included in the house-list, or else his hope of success is indeed of the slightest. Usually, if there are two candidates for one vacancy, either of whom is suitable for the house-list, one of them, after nomination, gracefully retires at the last moment, and thus establishes a "claim" to the next "vacancy." But for the "outside" or opposition candidate there is no chance of success. Moreover, the expense of an election which involves the printing and postage of circulars to some 7,000 voters is very considerable, and no doubt acts as a deterrent to those candidates who would try conclusions with the dominant Council. We have no right to fence the entrance to the Council with financial restrictions, which are prohibitive to all but a limited number. Were our society split up into small constituencies that financial difficulty would vanish, and a healthy interest would be taken by members generally in the affairs of the profession and society, in place of the apathy which, unfortunately, now characterizes the greater number of our members, though it must be admitted that in the last year or two signs of a change for the better in this respect can be observed. Under the present system, it may be said without contradiction that candidates for the Council are as a rule little more than names to the vast bulk of the electors, or, at best, that they are known as leading solicitors in their respective towns. Of their opinions on subjects of professional interest probably not one elector in a hundred had any definite idea, and when the outgoing members ask to be re-elected the only guide there is for their fitness for resuming office is the list of Council attendances—published, it is true, but not by the Council. This is in truth a poor guide to the competence of the candidates, and is no indication whether their views are in accord with the views of those who have to choose them. We are entitled to have an account of their stewardship from all outgoing members who seek re-election, and an expression of policy from all candidates. The implied demand that we should rest contented with vague reputations is one which cannot be justified. At least ten vacancies have to be filled every year, and it is obviously impossible that the 7,000 odd members of whom the society consists can exercise any real power or judgment as to the fitness of the candidates. It is as if a section of the House of Commons went out of office every year and were voted for by the total electorate instead of by constituencies. When, many years ago, the society became something more than a mere local London association, the demand arose for a representation of the country members. To effect this in appearance an ingenious device was adopted, which, however, had but the result—perhaps intentional—of strengthening the power of the predominant party on the Council. This is the present system of "extra-

ordinary members." The Council co-optates to the board a number of country solicitors, the choice being restricted to those who hold the office of president of some country law society—only some fifty-six in number. This in effect is the aldermanic system, which in theory allows of the addition of those who would not otherwise obtain a seat, although they may be specially suited for aiding in the Council's deliberations. This is the theory; in practice the alderman simply swells the voting power of the majority. The system is seen in its worst phase in our own Council. With the municipality the field of selection is unlimited, and, the term of an alderman's office being for six years, the alderman has an opportunity of developing an independent mind. With our aldermen, or "extraordinary members," it is different; they are re-elected annually, and, as we have seen, are chosen from an exceedingly limited class by the dominant party on the Council. They are not the direct representatives of the country solicitor, and in fact may be styled Council apprentices, as it were, from whom the Council may select *personæ gratæ* for nomination as official ordinary candidates for the next house-list vacancy. That the Council endeavour to do what they think best for the society and profession I do not doubt, but that is not the point at issue, which is that in this way they, and not the general member, become the electoral authority. Later on the ordinary country member, conscious of his growing influence, began to demand a definite representation amongst the ordinary members of the Council, and for some years past it has become usual to reckon a certain number of seats at the Council board as "country" seats. At present there are some twelve country members out of the forty ordinary members. But these members are not elected by an open system. The country seats are informally allotted to certain districts. The local societies of these districts informally nominate a suitable candidate, who then is adopted on the Council's house-list as their official candidate. Only if the local societies and the "wire-pullers" disagree is there any chance of a contest. Another objection to the present system is the fact that the minority, or what is nominally the minority, receives no representation whatever. Take the election of 1900. A candidate comparatively unknown received some 1,570 votes; the lowest successful candidate polled only 200 votes more. Twenty years ago an opposition candidate did well if he secured 300 or 400 votes. Probably a large proportion of the unsuccessful candidate's votes were plumpers: the voters for the other candidates presumably divided their votes, as impliedly directed, amongst the official house-list candidates. They elected twelve candidates, while the others failed to secure even one representative. The question of due minority representation is always a difficult one, but our Council has achieved the feat of wholly crushing out the minority and obliterating all opposition. At present often less than a quarter of the members vote. It is not to be expected that electors generally will take interest in a house-list with a foregone conclusion, and our Council, therefore, is but the representative of a minority. It is, however, a hopeful sign that our members are beginning to take greater interest in the election. In that of the present year (1901) the candidate just referred to secured again some 1,500 votes, and a group of six opposition candidates secured from 914 to 1,179 votes. Nevertheless, all the opposition candidates still remain outside the Council. But even were every one of our 7,659 members to vote, it is a fact that 3,330 votes could carry the ten vacancies, although the minority of 3,329 had plumped. Is it possible to justify a system which produces such a result? Imagine it applied to the Imperial Parliament. The right hon. gentleman who presides over our society and the whole of his political associates would be swept out of existence. He, and I am sure we, whatever our politics, would only regard such a result as a disaster to the country. It is not a question about securing proportional representation or the adoption of any other political theory of election; it is the question of securing, as in Imperial Parliament, the presence on the Council of some few to represent what possibly is the minority, who shall have the opportunity of expressing their views and influencing their colleagues by their arguments, if not by their voting power. The present system has another drawback, in that it has resulted in the president and vice-president being chosen by rotation instead of by election. The bye-laws of the society contemplate that these officers shall be chosen at the annual general meeting; but this is wholly a dead letter, and no one in the present generation of solicitors has ever heard of a contest for the office of president, for the Council, in a word, has usurped the functions of the general meeting. No one would say a word against the fitness of the ex-president, the present distinguished holder of the office, or his presumable successor as suitable occupants of the presidential chair, even though they be but the accidents of an accident. But there have been holders of the office of whom it may be said that, able as they were in their profession, they were unsuited for presiding at the general meetings of this society. If the method of Council elections were modified we cannot doubt that there would be from time to time contests for this honourable office. Doubtless it is not desirable that we should always live in a state of unrest; but at the same time would it not be a sign of health were we occasionally to make the choice of the principal officers of the society a matter of real competition, even at the risk of disturbing the present dignified serenity of the Council? It is difficult to see why any limitations should be imposed on our choice of president, and the present restrictions simply result in nullifying the intent of the present bye-law, which places the election of the president in the hands of the general meeting. The limitations ought to be abolished, and all solicitors on the roll rendered eligible for this important office. At the last general meeting I proposed the appointment of a committee to consider this question of reforming the method of Council election. The then vice-president (our now president) opposed the suggestion, and expressed the opinion that, as I had not set out a definite scheme in my motion, it was undesirable to pass what he considered would be a mere academic resolution; and he testified to the vast amount of work zealously performed by the Council, hinting at the same time that a resolution of that character was a censure on the Council. I may disagree with the Council's opinions; I may not believe that they represent the majority; yet it does not follow that a proposal to reform the Council implies a censure on the conduct of its present members. Most certainly it does not do so as far as I am concerned. I venture to think that a motion to appoint a committee of inquiry does not come within the category of a mere academic discussion, and that often it is preferable to adopt that course rather than that a mere private member should propound a scheme. Nevertheless, I now meet the challenge to propose a working scheme, and venture to suggest lines on which a Council reform might proceed. First, I suggest, as already hinted, that the offices of president and vice-president should be thrown open to the whole profession. As regards the Council proper, the first step is to abolish the aldermanic element of the "extraordinary" members. Assuming that we retain fifty to be as at present the normal number of the Council (though I incline to think that a smaller figure would be better), I would allot forty members to be chosen by this society and ten to be selected by the 7,000 soliciters outside the society. The society itself might then be divided up into constituencies of 175 to 200 members, while the constituencies of outside solicitors would approximately be about 700. We must remember that the composition of the Council is a matter of interest extending far beyond our own society. The thousands of solicitors outside the society are concerned with its doings, for the Council is charged with the regulation of their professional lives, whilst they also contribute, unwillingly though it may be, to the society's income, and therefore expediency and justice alike demand that they also should be represented on the Council. It was objected at the last general meeting that the suggested alterations in the method of Council election would result in the practice of canvassing members for their votes. It is possible that this might be so—indeed, the habit is not altogether unknown at the present time—but it is difficult to understand how this can be regarded as a valid objection against necessary reform. Solicitors, it may be reasonably assumed, can protect themselves against the annoyance of importunate canvassing, and they are quite competent to estimate at their proper value the canvassers' arguments. Apart from this, with a scattered electorate canvassing obviously can never attain undue proportions, and this objection may be safely disregarded. Simplicity of arrangement of electoral business is always desirable, and the readiest method of dividing up the electors would be to class them according to the letters of the alphabet. Thus the first 175 members in the letter A would form the first constituency, and a candidate desiring their suffrages would merely concern himself with this small number; they would make themselves acquainted with his opinions, and he would be able to ascertain from time to time their views. Similarly, the outside solicitors should be grouped in similar divisions, and they also would be able to impress their views and exercise such proportionate influence as they are entitled to. The method just suggested has the advantage of great simplicity, but it is not the only one whereby due representation of all parties of the society could be secured in a better manner than is at present the case. We might divide the country into electoral districts, and allot members to the various electoral divisions, as is now done in municipal and imperial politics, though probably in a case of a profession there is not the same need of representing localities as there is in Parliament, for our interests are personal rather than local. Or we might adopt an indirect method of choice, and form our Council in part by means of delegates sent up by the local law societies, and in part by direct election by the members of our own society, either as at present or, better still, in a modified form, as previously suggested. Such delegates to our Council would only reflect the views of the predominant party in the local societies, though even that would be better than our present aldermanic system, which only accentuates the views of our Council. And there is the system of cumulative voting, which I only name in order to express my opinion that it is an objectionable system and unsuited for this society. Finally, are these or any changes in the mode of election feasible? It appears to me that they can be brought about under the present bye-laws, but even if otherwise this society has sufficient influence to obtain a new charter, under which it might carry out this very necessary reform. Three methods have now been suggested for your consideration, and the first (that of dividing the members into equal divisions) seems to me to be a "working scheme" such as the Council might take into consideration. At present, however, the discussion is merely in the academic stage, but I feel convinced, though it may be some years ere change will be effected, that nevertheless change in the constitution of our Council is sooner or later inevitable, and I would the Council should realize this fact, and that, instead of waiting for a revolution in our society, they themselves should take the initiative, and consider how best they can render the Council truly representative of the society and the profession. There must ever be changes, and that community is happiest in which changes in the government are effected with the least possible amount of friction and social disturbance.

At the conclusion he moved: "That the meeting requests the Council to take into consideration the present mode of election to the Council and what improvements, if any, can be effected therein."

Mr. F. Kent (London) seconded.

The discussion was taken on both the above papers simultaneously.

Mr. Rubinstein said he would like to know why Mr. Beale had come to the conclusion that it was impracticable to make every solicitor a member of the society. Surely if they could satisfy Parliament that it was to the interest of the public that this should be the case power would be given for that purpose. It was in the interest of the public that some such organization as the society should have control over all the members of the profession. He was in favour of using initials after one's name as an indication of membership. He thought the certificate duty was of value

in keeping from the ranks solicitors who could not find the small sum necessary. With regard to minority representation, there was no minority amongst the profession, such as in the case of religion and other matters. He took it that all the Council had at heart the interest of the profession at large.

Mr. MORTON (Liverpool) thought the question of compulsory membership should be left to the committee which was sitting, but was in favour of every solicitor upon taking out his certificate becoming *ipso facto* a member of the society. As regards the elections to the Council, under the English system the rule was by the majority, which was safest. Someone must yield, and the minority must yield to the majority.

The VICE-PRESIDENT urged the desirability of the Council indicating openly the candidates they thought should be elected upon the Council. He referred to efforts the Council had made to reduce the certificate duty, and suggested that in matters of this somewhat delicate character, financially and otherwise, it was best to accept the assurance that the subject was being well discussed by the Council. It must be remembered, too, that the question would ultimately come before the society in general meeting.

Mr. MCLELLAN objected to Mr. Phillimore's suggestion that outside solicitors should be allowed to take a part in the affairs of the society.

Mr. MATHER (president of the Liverpool Law Society) thought the one year the extraordinary member served not sufficient for him to acquire the duties; he should be allowed to serve for several years.

Mr. F. R. PARKER (London) said the society would never be what it should be until every solicitor was a member. He suggested that members of the society should rank as fellows, and that the only legislation that was wanted was as to the extent to which the 5s. certificate duty should be raised, say, 2s. 6d., or certainly not more than 5s., so that a solicitor would become a "member," and then he would probably be induced to pay the further small sum necessary to make him a "fellow."

The discussion was continued by Mr. DIXON (Hull), Mr. COOKE (Chester), Mr. TAYLOR (Norwich), and Mr. T RAWLE (London).

The PRESIDENT thought compulsion was impossible. He pointed out that since the society met in Oxford last, twenty-five years ago, the number of members had doubled. He suggested that there should be caution in opening the question of certificate duty, the possibility being that in the present state of affairs that duty might be increased. A committee was already sitting, which consisted of some of the best members of the Council, to consider the whole question both as to vacancies in the Council and as to the mode of extending the society. He had known no body of men who had shewn greater capacity, greater assiduity in discharging what they believed to be their duty to their constituents and the profession at large, than the Council. He gathered that the sense of the meeting was to leave the question where it was, in the hands of the Council, with the assurance he gave as president that the matter should be still further considered. While on the one hand the Council would not preclude themselves from suggesting any improvements they thought necessary they would not submit to the members any scheme which they thought would imperil either the best interests of the society or weaken its influence, and at the same time be utterly impracticable and unworkable, and which would land them in difficulties ten times worse than those which existed at present.

Mr. PHILLIMORE said that after the remarks of the president it would be undesirable to press the resolution and he therefore withdrew it.

A PLEA FOR A GENERAL SCHOOL OF LAW.

A paper on this subject was read by Mr. HERBERT BENTWICH, LL.B. (London), in the course of which he said that the foundation of a legal university or General School of Law is the first step. One great advantage could not fail to follow from such an institution. There would be created at the commencement of the legal career a bond of union between all the members of the legal family such as is found everywhere between those who have proceeded from the same *alma mater*, and there would be an increase of mutual respect in men thus trained together, which would not be affected by any subsequent separation of their functions. The scheme for such a school of law or university would still be in its main features that described in Lord Selborne's Bill of 1874—viz., to test by examination the proficiency of persons seeking to be admitted to the practice of the law in England, and to provide generally for instruction in law and jurisprudence; the course of instruction to be open to all subjects of the Crown, "*without requiring that any of them should belong to any particular society or institution, or should make any declaration as to their intentions to practice any branch of the law or to enter any profession*," and all persons obtaining a certificate of proficiency in this General School of Law to be eligible for call to the bar, or admission as a solicitor, or conveyancer, without any compulsory examination elsewhere. Such a school not being established for a class, but for all, not even confined to the legal profession, but open to every member of the general public, not limited to mere practice, but taking the whole field of jurisprudence within its purview, would go far to make the law what it has long failed to be—a popular institution, and all its followers, what the bulk of them have in recent ages ceased to appear—members of a learned calling, possessors of a science, and not mere practitioners of an art or mystery. As in the medical profession, there would of course have to be some co-ordination of university work with that of the proposed school of law, so as to avoid the waste and confusion of the present unsystematic arrangements; and I suppose that, as with the medicals when they were reorganized, the actual admission and subsequent control of practising members in the two branches of the profession would for a long time to come remain with the existing governing bodies. Without, however, entering into the difficult and thorny question of fusion or separation, or even waiting for the statutory establishment of the ideal school of law which I have here sketched, it is open to this society to make an immediate step in the upward direction for the branch of the profession which it represents, by combining with the General Council of the Bar in the promotion of such modifications in the existing arrangements as will gradually bring about the reforms designed by Lord Selborne in his comprehensive scheme. Let representation be sought by this society on the Council of Legal Education, on the basis of such a contribution to the expenses fund as will provide for an extension of the existing machinery to include all articled clerks as well as students for the bar; let there be common lectures and a general examination for all classes, with recognition of university work as an equivalent wherever the necessary standard has been reached; let there be special examinations for the granting of certificates of proficiency or competency in the different branches, with power to qualify for either or both; instead of the antiquated farce of "eating dinners" (under which business men may go up from their work in the City to qualify themselves in this way for the bar, while solicitors are rigidly excluded from similar privileges), let a forced period of reading in chambers with some junior counsel be required from candidates for the bar, while a term of service under articles is still insisted on for those intending to practise as solicitors;—but if these preliminary conditions have been compiled with, and the full legal diploma has been taken, let there be absolute liberty of movement for lawyers from one branch of their profession to the other, subject only to the certificate of fitness of the governing body under which they may have practised. He moved the following resolution: "That this meeting affirms the desirability of a common system of education and examination for all persons proposing to enter the legal profession (whether as solicitors or barristers), and requests the Council to invite the co-operation of the General Council of the Bar in promoting the establishment of a General School of Law."

Mr. W. SIMPSON (Leicester) seconded the motion.

The VICE-PRESIDENT moved as an amendment: "That this meeting highly approves of the action of the Council in giving special attention and consideration to the subject of legal education, both in the society itself and in connection with the universities and university colleges and other authorities." "Other authorities" would cover the Inns of Court if there was co-operation, which he hoped would be the case. He urged that there should be the right of transition from one branch of the profession to the other, even to the highest positions. Why should not the president, for instance, be a judge?

Mr. GRANTHAM DODD seconded.

Mr. C. T. SAUNDERS (Birmingham) and Mr. MCLELLAN continued the debate.

Mr. R. PENNINGTON said he did not gather that the vice-president proposed the meeting should commit itself to any particular scheme, and it was not advisable to ask the meeting to confirm the desirability of a common system of examination and education which would practically result in taking away the control of the examination from the society altogether. His own view was that a young man should not be sent to a university to learn law, but that after taking his degree he should commence his legal education. The Council were considering what could be done with a view of making articled clerks competent for the practice of their profession as solicitors. He hoped the amendment would be carried.

Mr. BENTWICH ultimately accepted the vice-president's amendment, which was adopted in the following form: "That this meeting highly approves the action of the Council in giving special attention and consideration to the subject of legal education, both in the society itself, and in connection with the universities and other authorities, and as to the probability and expediency of a common system of education and examination for all persons proposing to enter the legal profession either as barristers or solicitors."

LEGAL REMUNERATION.

A paper on this subject was read by Mr. GRANTHAM R. DODD, London:

It will not, I am sure, be disputed, especially at a meeting like the present, that lawyers are necessary, notwithstanding the strongly expressed opinion of Jack Cade and his friends to the contrary.

> The first thing we do, let's kill all the lawyers.*—*Shakespeare.*

If they be necessary, it follows that they must be remunerated for their services. Now I venture to say, and I do not think it will be disputed, that the present system of remuneration is in many respects unsatisfactory, both to the public and ourselves. The history of costs (*expensæ litis*)) is not altogether uninteresting. No costs were recoverable by either the plaintiff or defendant at common law.† In 1278 a demandant was, by the Statute of Gloucester,‡ enabled to recover costs of writ in all cases where a man recovered damages referring to land. Coke held that this included all legal costs of suit, but not the expense of travelling or for loss of time.§ This right was extended to personal actions and to Equity Courts in 1285.‖ A defendant was allowed his costs relating to the right of wardship in the year 1267,** but he was not entitled to his costs in error before the year 1486,†† and in replevin by an Act passed in the following reign.‡‡ The general right of the defendant to his costs was only allowed in the year 1531.§§ I do not propose to trouble you with the further history of costs, or the numerous Acts and decisions on the subject. In the City of London, in the fifteenth century, there was an ordinance that attorneys should not take more of their clients than forty pence at most; whether this refers to a period of one year, or any other time, is not mentioned, or

* "Henry VI.," Part 2, Act 4. † 2 Inst. 288. ‡ 6 Edw. 1, c. 1, s. 2.
§ 2 Inst. 288. ‖ Statute of Westminster 2.
** 52 Hen. 3, c. 6. †† 3 Hen. 7, c. 10.
‡‡ 7 Hen. 8, c. 4. §§ 23 Hen.

to any particular action or suit.* It is impossible, as we all know, in large and important matters requiring much careful thought, and frequently calling for considerable skill and knowledge, to measure the value of the services rendered by such charges as six shillings and eightpence and ten shillings. The surveyor is remunerated according to the magnitude of the transaction, and not merely by the time occupied, but for his professional skill and knowledge, whilst the solicitor can only make the same charges in the shape of attendances, &c., for large or small transactions, the scale under the Solicitors' Remuneration Act, 1881, only excepted. Why should it be more necessary for solicitors to furnish bills of costs with full items than for a doctor to do so? Many of us can remember when medical men in their accounts furnished the dates of their visits and other particulars, but now the bills are short and concise, simply stating "Fees for medical attendance" between such and such dates. Who thinks of ever demanding items and dates, or questioning their charges? Architects in their bills supply fuller particulars than they did formerly, but still they do not extend over many sheets of paper. Surveyors and auctioneers also furnish very concise statements of their charges, which are seldom questioned, and they are usually (as we know) much better remunerated than we are—at any rate in London—for their services. I submit that the present system of remuneration is wrong, holding out as it does a premium to litigate, by failure to fairly compensate the solicitor for bringing about a satisfactory compromise; besides which, as we all know, no costs can be charged against the defendant until the writ shall have been issued, and then the charges for preliminary work cannot be made. A client would undoubtedly in many cases gain by settling matters in a friendly way, and much time as well as expense and anxiety would thus be saved. Many actions are taken into court that might have been settled immediately after the pleadings had been closed, or even before, and this is proved by the fact that almost as soon as the briefs are delivered to counsel they frequently meet and arrange the matters, which, with due respect to them, might quite as well have been previously arranged by the solicitors. The counsel gets the same fee on the brief as if he fought out the action, whilst the solicitor would be almost unpaid if he had settled. This, I contend, is wrong in principle. The system adopted in the United States is much more satisfactory. Bills for services are not rendered in full, as with us; they are simply put thus: "To professional services" between such and such dates. If the client should dispute the value of the services rendered—which, it would appear, seldom occurs—the lawyer brings an action for the recovery of his bill, and after issue has been joined the court appoints one of the leading members of the bar (who is also a solicitor) to examine into the services rendered, and to report to the court as to whether in his judgment the charge is fair and reasonable. Taxation is unknown, and there is no such official as a master, to whom the bill could be referred. In the case of a claim being made for damages and the solicitor can manage to arrange the matter amicably, he gets paid a lump sum. For instance, as I am told, where the sum of 5,000 dols. has been claimed, and he manages to make a satisfactory settlement, say, for half that sum, he would be paid a few hundred dollars for his professional services. The costs and charges of a solicitor relating exclusively to conveyancing business could not formerly, as I must remind you, be taxed. It would be interesting to know the reason for the alteration of the law in this respect. The negotiating fee allowed by the scale for the sale of property of the value of £100,000 is £290. An estate agent's or auctioneer's commission for the same thing would amount to upwards of £1,000. Can any good reason be given for the solicitor being allowed so much less? I know it is sometimes said that the estate agent does much work for which he cannot charge or never gets paid; but does not the same argument apply to a solicitor? A stockbroker's commission is charged by way of percentage to an unlimited amount, and so is the auctioneer's. It is remarkable that it should have been necessary on the taxation of costs of action, until comparatively recent times, to have an affidavit of increase if there had been any extra expenses which did not appear on the face of the proceedings. The amount allowed to a solicitor by the Land Transfer Act, 1897, on the transfer of property, after the title shall have been registered, say up to £32,000, is £18 18s., whilst the registration fees payable thereon would amount to the sum of £25. How are we to know what is the proper and legal charge for an attendance, when one master holds that it is 10s., and another without any hesitation says that it should be 6s. 8d., as clients were used to such charges? I have not touched upon the vexed question of the taxation of costs of actions between party and party, about which much might be said. It is not intended that this should be anything like an exhaustive paper on the subject of costs, but to contain a few suggestions for your consideration, and for the discussion which I trust will follow the reading of it.

A Plea for New Scales of Costs in Actions.

A paper on this subject was read by Mr. Frdk. Armitage (London).

Standing as we do upon the threshold of a fresh epoch of 100 years, not only do our eyes glance backward to behold the progress which we as lawyers have made in the past century, but we also look beyond to discern what chances and changes may befall us in the twentieth century. It was the late Sir Walter Besant who, in an article written shortly before his death, prophesied that not only in science, in art, and literature would great strides come in the days before us, but also that the law, as one of the progressive sciences—like medicine and electricity—must give way to the necessities and onward trend of the times, and advance with them. To alter the aphorism, *Tempora mutantur, et leges in illis*. A century ago the administration of the law was certainly complex, and decidedly could not be termed either popular or inexpensive. The old ideas engendered by Magna Charta of denying justice to no one; the pleasant fancies of our ancestors who founded the assize system, and who wished to bring home the means of redress to every man's door; and the alluring sophism that there was no wrong without a remedy—these sentiments, noble enough in their inception, were sadly marred in their execution. The delays and expense of Chancery administration needed no pen of a Dickens to paint them, for they were visible enough. The uncertainty and expense of a *nisi prius* action, where, after trial and verdict, the fruits of judgment might be taken away by reason of a technical error in the pleadings, were matters of common notoriety. The pleasant legal fictions, coupled with the unpleasant expense, attending the conveyance of property were also plain to the public eye, and "parchment," and "followers," and "charges by folios" became synonyms, to the outside world, for rapacity, and were cited as self-evident proofs of the evils of the law, and of attorneys in particular. One hundred years ago what conveyancer would have dared to predict that in the year of grace 1901 a deed could be well expressed within six or seven folios; that it was not needful to spin out an abstract of title so as to allow of a charge per sheet; that requisitions on title could be kept down so as to ask only what was absolutely essential; and that letters, originally charged at 3s. 4d. each, might be almost dispensed with? But it has come, and with it a simpler mode of making out a conveyancing bill. Our forefathers would have been shocked at the idea that in a small purchase—say, for £500—their bill of costs, instead of amounting to £25 by reason of charging each item, should come to less than half that sum, including out-of-pockets. To our minds it a proper and sensible plan to charge by the size of the transaction in conveyancing matters, and equalize the low fee in small cases by a high one in larger matters. Shall I then, speaking in this ancient city in 1901, be laughed to scorn if I suggest that in another 100 years a like reform, with like results—that of popularizing the law—will have taken place in the first and second cases I put—of Chancery and common law procedure—as has already taken place in regard to conveyancing? In other words, shall we not before then have a fixed scale of costs, applicable to all actions; so that, before starting prosecuting or defending a case, a litigant may know what it will cost him, and thus may not shrink from the dread of the unknown? To frame such a scale is, I grant, extremely difficult, but with added experience the plan would become easy. A century ago an action for £10 was brought in the Courts of King's Bench, Common Pleas or Exchequer, was tried by a jury, who were addressed by counsel, and frequently by the wearers of silk. The bill of costs might come to £50 or £60. In the year 1901 such a case goes to the county court; there is a fixed scale for solicitors, and no counsel is needed, nor indeed allowed, except by special certificate of the judge. Above this figure, it is true, the illustration breaks down and the charges made are by items, but there is no reason for this, and I venture to prophesy that when a fixed scale is in force for cases up to £20, and another up to £50, then clients in the county courts will feel the more free to put the merits of their case "to the touch to gain or lose it all." Having arrived at this point, I contend that I have already proved my case; for inasmuch as cases can be, and often are, tried in the High Court up to £50, the fixed scale applicable in the county courts could apply also there. And if applicable up to £50, why not have other scales to apply to cases for higher amounts? A bill of costs under such circumstances would stand thus:—

	£
Scale charge	
Costs of commission (if allowed) ...	
,, discovery ,, ...	
Counsel's fees	
Court fees	
Witnesses' fees	
	£

One particular injustice thus obviated would be in the type of cases where the costs come out at a figure altogether disproportionate to the amount in dispute. A bill of costs for £160 in an ordinary case tried before a common jury, where only £100 is recovered, is apt to disgust a suitor, and, while expressly refraining in this paper from suggesting figures, I lay down this as an elementary proposition, *that in no case should the total costs exceed the amount recovered*. This would likewise apply to the case of a verdict in libel and slander for the paltry sum of one farthing, where costs follow the event, unless the judge makes a certificate depriving the plaintiff of them. Under the Slander of Women Act, 1891, the plaintiff gets no more than a farthing costs in such a case, unless the judge certifies, and I suggest that this rule should be made universal. The present seems an opportune moment to discuss the whole matter owing to the new draft rules as to a central taxing department just issued. Those rules, we may hope, will give more uniformity in practice, and may perhaps do away with the necessity of sending in to a successful litigant a "solicitor and client" bill, though in many cases a grateful client does not grudge paying his solicitor something out of his own pocket. The scale contemplated in this paper will, however, prove a greater measure of relief, and I may incidentally point out that the present county court scale expressly provides that it includes all solicitor and client costs. At present there are two scales of costs in the High Court—a higher and a lower. The lower one is what we generally work on, and the higher is applicable under ord. 65, r. 9, "on special grounds arising out of the nature and importance, or the difficulty or urgency of the case." In practice to far too small a number of cases has this higher scale been made to apply; but, if an *ad valorem* scale were fixed, I contend that a judge would be more likely than he now is to increase the scale fee where he knew what it would be likely to cost the parties. I am perfectly prepared to be told that my scheme is impracticable, and to have

* Liber Albus, by John Carpenter, translated by Riley, p. 402.

difficulties suggested, but I am confident that it is a good and a workable one. It may be inquired, "How about a case which does not go to trial?" in answer to which I would refer to the analogy under the conveyancing scale for uncompleted transactions, where an item account is made out—though in both that scale, and in the scale under consideration, it should be provided that such an item account should in no case exceed the scale charge for a completed transaction. I may be asked concerning Chancery proceedings, such as for an injunction, where no fixed sum is in dispute. To this I answer that, having fixed scales, it would be easy for the judge at the trial, or for the taxing-master, looking at the class of case, to apply the appropriate scale. The costs of the administration and debenture-holders' actions (the procedure in both of which needs radical reform) could be fixed by reference to the amount realized by the estates. In bankruptcy we already have a fixed scale for debtor's petitions, and it would be quite easy to extend the principle. At all events, the scales already in vogue in the bankruptcy courts, in the county courts, in the High Court for fixed costs on writs, and under order 14, as well as the fixed fees on counsel's briefs, prove that the plan is feasible, while the existing rule that bills should be made out in double columns, distinguishing profit charges from disbursements, will make it easy to ascertain what would be a fair scale to fix. By carrying out this reform I am sure we shall not only be facilitating the administration of justice, but also improving the prospects of our profession by throwing open the gates of justice to many who now fear that in attempting to unlock them they may not only lose the treasure they wished to secure, but also the golden key itself with which they sought to obtain it.

The discussion was taken on both these papers simultaneously.

Mr. Cooke (Chester) asked what the solicitor should have when only a farthing was recovered? The paper said costs ought not to exceed the amount recovered.

Mr. Armitage replied that the Council could easily frame a rule to deal with the difficulty.

Mr. Pennington said that Lord Herschell had tried his hand at a remedy for the long bills of costs and had failed. He (Mr. Pennington) thought there was nothing more repulsive than the making out and settling bills of costs. It was a work of art and very few people understood it. If Lord Herschell could not find a remedy he was afraid the Council of the Law Society would have considerable difficulty.

Mr. Kent, Mr. Randal (London), Mr. Blyth, and Mr. Naughton (Manchester) also spoke.

Fire Insurance as Between Vendor and Purchaser on a Contract for Sale of House Property.

A paper on this subject had been prepared by Mr. Reginald Poole (London), but as he was not in his place when it was reached, it was not read. The following is the paper:

It is well settled law that a purchaser must complete his purchase and pay the purchase-money without deduction, although the property he contracted to buy is destroyed or damaged by fire after the date of the contract and before completion. It has also been laid down that the contract for fire insurance is one of mere personal indemnity (*Darrell* v. *Tibbitts*, 5 Q. B. D. 560), and that accordingly the benefit of it does not pass to a purchaser under his contract. And while the purchaser is not entitled to recover the insurance money from the vendor (*Rayner* v. *Preston*, 18 Ch. D. 1), the insurance company can, on the principle of subrogation, get back from the vendor out of the purchase-money a sum equal to the insurance money, if the vendor has received his purchase-money in full: *Castellain* v. *Preston* (11 Q. B. D. 380). A purchaser's solicitor, if he has the opportunity of so doing, will usually insert a condition in the contract that the vendor shall hold the policy of insurance on trust for the purchaser pending completion, he paying a proper proportion of the premium as from the date of the contract. Mr. Dart, however, thinks that this exposes the vendor to the double danger of having to hand over the insurance money to the purchaser, and at the same time of being liable to the insurance company for an equivalent amount of the purchase-money. It is true that as regards buildings within the area of the bills of mortality the purchaser might, in the absence of any stipulation, demand the reinstatement of the premises under 14 Geo. 3, c. 70, s. 83; but this Act only applies to houses and buildings; trade fixtures (often of great value) are not within its operation. And if the premises were reinstated in compliance with such demand and the full purchase-money paid to the vendor, Mr. Dart is of opinion that, on the doctrine of subrogation above referred to, the insurance company could recover an equivalent amount out of the purchase-money. Mr. Webster, in his book on Conditions of Sale, says that the effect of a condition that the purchaser shall have the benefit of the vendor's insurance seems to depend on whether the policy is assignable or not. If the policy is assignable the condition would entitle the purchaser to an abatement of his purchase-money to the extent of the amount received by the vendor from the insurance company; and as between the vendor and the insurance company the doctrine of subrogation would not arise because the vendor, owing to the condition, has not received the full purchase-money; in other words, his loss has not been diminished by any payment from the purchaser, so there is no advantage or right to an advantage into which the insurance company can claim to be subrogated. If, however, the policy is expressed to be personal only to the vendor, and not assignable by him, then he will be bound by his condition to pay the purchaser a sum equal to that payable to him under his policy, and the insurance company would be entitled to set off against the insurance money payable by them to the vendor the purchase-money received by him. The insurance companies include in the conditions indorsed on their policies (and which are seldom, I imagine, read or appreciated at their real value by the insured) a condition to the effect that the policy shall cease to be in force as to any property thereby insured which shall pass from the insured to any other person otherwise than by will or operation of law. The condition usually goes on to state that notice may be given to the company of the devolution of the property and the subsistence of the insurance in favour of the assignee declared by a memorandum indorsed on the policy by or on behalf of the company. This is in fact what is usually done on completion of a purchase; but, of course, does not guard the purchaser against the risk of loss by fire pending completion. No doubt the purchaser has an insurable interest as from the date of his contract, and can himself insure the property which he has agreed to buy; but this is hardly satisfactory, as, if for any reason the purchase goes off, he cannot recover back the premium he has paid to the insurance company, which would be money thrown away as far as he is concerned. And it may be usefully borne in mind, in this connection, that a vendor has very wide powers under the usual rescission clause: *Re Starr-Bowkett Building Society and Sibun* (42 Ch. D. 375). I venture, therefore, to suggest that the condition in fire policies above referred to be modified in some such way as the following: "This policy shall, so long as it shall remain in force, be for the benefit of the insured and for the benefit of any subsequent purchaser or mortgagee of the property hereby insured. But in the event of any money becoming payable under this policy a purchaser or mortgagee may be required to prove his title as such, unless notice of the sale or mortgage shall have been given to the company, and the subsistence of the insurance in favour of such purchaser or mortgagee shall have been declared by a memorandum indorsed hereon by or on behalf of the company." This would, I suggest, be fair to all parties concerned, and would remove a serious difficulty which does not seems (in practice at any rate) to have received as much attention as it demands. Possibly some of the leading members of the profession who are also directors of fire insurance companies, may see their way to take the matter up and thereby earn the gratitude of future purchasers of houses or buildings, and their advisers.

Votes of Thanks.

Votes of thanks were passed to the mayor, the deputy-mayor, the president, and members of the Berks, Bucks, and Oxon Incorporated Law Society, the Duke and Duchess of Marlborough, Mr. and Mrs. G. H. Morrell, the Oxford Union Society, the readers of papers, and the president.

Conversazione.

At the invitation of the president and members of the Berks, Bucks, and Oxon Incorporated Law Society the members and the ladies accompanying them were present at a conversazione held on Wednesday evening in the New Examination Schools.

Excursion.

Thursday was spent in an excursion to Woodstock to view Blenheim Palace and gardens, by permission of the Duke and Duchess of Marlborough.

SOLICITORS' BENEVOLENT ASSOCIATION.

Annual Meeting.

The annual meeting of this association was held in connection with the provincial meeting of the Incorporated Law Society at Oxford, in the Sheldonian Theatre, on Wednesday, under the presidency of Mr. T. Musgrave Francis (chairman).

From the annual report of the directors it appeared that the association has now 3,535 members enrolled (compared with 3,466 last year), of whom 1,215 are life and 2,320 annual subscribers. Seventy-two of the annual subscribers are in addition life members of the association. The result of the forty-first anniversary festival held on the 18th of June, at the Hôtel Métropole, when Mr. Melmoth Walters presided, was very gratifying. The net gain from the festival was £1,327 15s. 10d., including a larger number of donations from stewards and others, and also a satisfactory list of new annual subscriptions. Two legacies are included in the receipts—viz., £50 under the will of Mr. Thomas Charles Allin, London; and £200 under the will of Miss Sarah James, Tenby. During the year the sum of £2,010 Great Indian Peninsula Railway 5 per cent. Stock was converted into an Annuity of £134 4s. 6d. The capital of the association now consists of the above annuity and £51,556 12s 6d. stock, in addition to the sum of £5,368 18s. 6d. stock pertaining to the Reardon Bequest. During the year 217 grants have been made from the funds, amounting to £4 535. Of this sum 9 members and 34 members' families received £1,840, while 38 non-members and 136 non-members' families received £2,695. £175 were also paid to annuitants from the income of the late Miss Ellen Reardon's Bequest; £28 to the recipients of the "Hollams Annuity, No. 1"; £30 to the recipient of "Hollams Annuity, No. 2"; and £30 to the recipient of the "Victoria Jubilee Annuity (1887)." £240 was also paid to the seven pensioners from the "Victoria Pension Fund." The total relief granted during the year therefore amounted to £5,038, compared with £4,948 last year.

The Chairman moved the adoption of the report, and it was agreed to.

In connection with the installation of the Lord Mayor, it is interesting, says the *Westminster Gazette*, to note that the chief magistrate of the City has been chief butler to the Sovereign at Coronation feasts since the reign of Richard III., receiving for his fee a gold cup and cover. In conducting the Sovereign through the City the Lord Mayor wears a rich crimson velvet robe. Beneath the robe is worn a Court suit with point lace; and the velvet hood of old has been superseded by the three-cornered dress hat trimmed with black ostrich feathers.

LAW STUDENTS' JOURNAL.

BIRMINGHAM LAW STUDENTS' SOCIETY.—Oct 8.—Frank S. Pearson, Esq., LL.B., presiding.—The following moot point was discussed: "A. is tenant for life of an estate. B. is tenant in fee in remainder expectant on A.'s death. A. and B. agree to sell the estate for £5,000 to C., and on the 4th of July they sign an informal contract to that effect, which A. draws up. No agreement is come to relative to the apportionment of the purchase-money between A. and B. On the 6th of July A. suddenly dies. Are his representatives entitled to claim apportionment of the purchase-money, and if so, on what grounds?" The speakers in the affirmative were Messrs. W. C. Camm, T. H. Cleaver, J. W. Hallam, and H. E. Reynolds; in the negative Messrs. E. A. B. Cox, A. Cotterell, J. F. Duggan, and E. Woodward. After an impartial summing up by the chairman the point was put to the meeting and decided in the affirmative by one vote. A hearty vote of thanks to the chairman for presiding brought the meeting to a close.

LEGAL NEWS.

APPOINTMENT.

Mr. W. E. HUME-WILLIAMS, K.C., has been appointed Recorder of the Borough of Bury St. Edmunds, in the place of Mr. E. T. E. Bealey, K.C., deceased.

CHANGES IN PARTNERSHIP.

DISSOLUTIONS.

HENRY SALAMON HARRIS, MOSES HYMAN ISAACS, and REGINALD BENJAMIN SIMMONS LEWIS, solicitors (H. S. Harris & Co.), 63, Coleman-street, London. Sept 29. [*Gazette*, Oct 4.

GENERAL.

Sir Harry Bodkin Poland, K.C., will, on the 12th inst., be presented with the Freedom of the Borough of Dover, of which he was recorder for twenty-seven years, and from which position he recently retired. The certificate of Freedom is to be contained in a handsome casket, and the presentation will be made at a dinner at the Town Hall.

The following is the *vota* of the King's Bench judges for the ensuing Michaelmas sittings: The Lord Chief Justice and Justices Mathew, Lawrance, Kennedy, Ridley, Bigham, and Darling will sit to form Divisional Courts; Justices Day, Wills, Grantham, Wright, Bruce, Phillimore, and Bucknill will try actions; and Mr. Justice Channell will attend at chambers.

A high bailiff in the provinces has, says the *Globe*, had a warrant sent him from London to arrest himself. The usual excuse for not executing committal orders is said to be "Cannot meet with the defendant." As this is not applicable, the only chance for the bailiff is to imitate the man in the Latin who did not know where he was, who he was, or whether he was or was not.

Mr. Justice Wills has, says the *World*, purchased a house and grounds at Bassett, near Southampton, and is giving up the flat at Chelsea which he has occupied as a London residence. It is understood that this change of abode is a preliminary step to his resignation of his seat on the bench, which he has occupied for more than seventeen years. Mr. Justice Wills has been spending the Long Vacation at his Alpine chalet at Le Nid d'Aigle, in the Haute Savoie.

There was a quaint ceremony at Castletown on Tuesday, says the *St. James's Gazette*, when the great inquests for the three southern "sheadings" of the Isle of Man were sworn. The duties of these inquests are curious and interesting, since they include the presenting for punishment of all persons who encroach upon the commons and other public easements, of all persons who suffer their pigs to go unringed, and of persons who keep horses and cattle suffering from scab. The inquests have also to see that millers are sworn to deal honestly with the public.

On the 4th inst., says the *Times*, William Frederick Fearn, of Sandmere-road, Clapham, appeared to a summons charging him with unlawfully pretending that he was duly qualified to act as a solicitor. Mr. J. P. Grain supported the summons on behalf of the Incorporated Law Society; Mr. Arthur Hutton and Mr. James Todd defended. Mr. Grain said the defendant had for many years been a solicitor, but had not renewed his yearly certificate since November, 1893. The allegation against him was that in March of this year he acted in the transfer of a house at Wandsworth-common, and in signing the deed of conveyance described himself as a solicitor. For the defence it was urged that the defendant signed the conveyance deed as the attesting witness. Although he had not taken out his certificate, he was still on the rolls, and was therefore justified in describing himself as a solicitor. The summons was eventually adjourned.

Professor Russell, says the *Albany Law Journal*, in an address on "The Duty to Litigate," said, "Herbert Spencer tells us that he had a friend who was twice on the verge of financial ruin, once after having lost a lawsuit, and the second time on having won his case in court. It often happens that the cost of winning justice makes it worse than lost. So the law abhors litigation and views with pity the victim of this evil. Practical sagacity prompts lawyers to compose quarrels through compromise; the spoils of the profession are thus the greater. Some judges have an irresistible passion for settling cases while yet undetermined in court; reversals for error are thus cleverly avoided. Some railroads and other large corporations maintain distinct funds, administered by ingenious and experienced counsellors, which are drawn upon regularly in settlement with blackmailers who bring lawsuits which are certain to be vexatious, even though the defendant win and get a judgment for costs against a plaintiff who is financially irresponsible."

At the recent trial of one of the nurses at the Insane Pavilion at Bellevue Hospital, for the alleged murder of a patient, two persons of conceded mental abnormality were, says the *New York Law Journal*, permitted to testify. Upon objection being made, Judge Cowing, who presided at the trial, is reported to have said that "to exclude such evidence would be to overrule the Supreme Court of the United States." The decision to which the learned judge referred presumably was *District of Columbia* v. *Armes* (107 U. S. 419). That was an action for damages for personal injuries caused by the defective condition of a sidewalk in the city of Washington; the injured person was himself a witness, and it appeared that his mind had been impaired and was feeble as a result of the accident. In upholding the action of the trial judge admitting his testimony, Mr. Justice Field, speaking for the court, remarked: "It is undoubtedly true that a lunatic or insane person may, from the condition of his mind, not be a competent witness. His incompetency on that ground, like incompetency for any other cause, must be passed upon by the court, and to aid its judgment evidence of his condition is admissible. But lunacy or insanity assumes so many forms, and is so often partial in its extent, being frequently confined to particular subjects, whilst there is full intelligence on others, that the power of the court is to be exercised with the greatest caution. The books are full of cases where persons shewing mental derangement on some subjects evince a high degree of intelligence and wisdom on others. The existence of partial insanity does not unfit individuals so affected for the transaction of business on all subjects, nor from giving a perfectly accurate and lucid statement of what they have seen or heard."

THE PROPERTY MART.

SALES OF THE ENSUING WEEK.

Oct. 16.—Messrs. EDWIN FOX & BOUSFIELD, at the Mart, at 2:—2,000 £10 Shares in the Woking Water and Gas Co. Solicitors, Messrs. Chas. A. Bannister & Reynolds, London. (See advertisements, Oct. 5, p. 4.)

Oct. 16.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2:—Six Leasehold Residences at Kensington. Solicitors, Messrs. Thomsons, Brooks, & Danby, London. —The Beneficial Leases of Two Shops in East-road, City-road. Solicitors, Messrs. Osborn & Osborn, London.—Two Short Leaseholds, held direct from the Portman Estate, producing £370. Solicitor, Arthur Pyke, Esq., London. (See advertisements, this week, back page.)

Oct. 17.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2:—

REVERSIONS:

To a Moiety of a Trust Fund, value £17,405 in Colonial and Waterworks Stock; lady aged 79. Solicitors, Messrs. West, King, Adams, & Co., London.

To Two-fourths of £2,037, secured upon Freehold Property near Lowestoft; lady aged 74; with Policy. Solicitor, W. B. Styer, Esq., London.

To One-sixth of 2 Freehold Houses in Ramsgate, producing £210 per annum; lady aged 83. Solicitor, Henry Ilkin, Esq., London.

To One-sixth of a Trust Fund, producing £374 per annum, in Consols and Freeholds at Brighton; gentleman aged 71 (see conditions). Solicitors, Messrs. Sisney & Cook, London.

To £827, secured upon Policy (fully paid); gentleman aged 64 and lady aged 54. Solicitors, Messrs. Lee & Lee, London.

To Leaseholds in Eaton-place, let and producing £250 per annum. Solicitor, 53, S. J. R. Stammers, Esq., London.

To a Trust Estate, value £36,639 Bank of England and Railway Stock; lady aged Solicitor, David Davis, Esq., London.

To One-fourth of Freeholds and Leaseholds at Birmingham, producing £402 per annum; lady aged 60. Solicitors, Messrs. Pearce-Jones & Co., London.

(See advertisements, this week, back page.)

WINDING UP NOTICES

London Gazette.—FRIDAY, Oct. 4.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

ABYSSINIAN EXPLORATION (PARENT) CO, LIMITED—Petn for winding up, presented Sept 2, directed to be heard Oct 30. Burgess & Co, 5, Laurence Pountney hill, solors for the petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 29.

FOREST ROCK GRANITE CO, LIMITED—Creditors are required, on or before Oct 31, to send their names and addresses, and the particulars of their debts or claims, to Sydney Russell Wilby, 26, Friar la, Leicester

GEM OF CUE, LIMITED—Creditors are required, on or before Nov 14, to send their names and addresses, and the particulars of their debts or claims, to Lawrence Ellson, Princes bldgs, St George's terr, Perth, Western Australia. Blackman, Gresham House, Old Broad st, solor, for Abbott, Perth, solor for the official liquidator

HARROWBY CARD MANUFACTURING CO, LIMITED—Creditors are required, on or before Nov 16, to send their names and addresses, and the particulars of their debts or claims, to W. H. Liptrott, 9, Mawdsley st, Bolton. Horridge, Bolton, solor to the liquidator

INVERNESS-RICHMOND COLLIERIES AND RAILWAY COMPANY OF CANADA, LIMITED—Creditors are required, on or before Nov 2, to send their names and addresses, and the particulars of their debts or claims, to Alfred James Mitchell, 2, Bond st, Walbrook. Linklater & Co, 2, Bond ct, Walbrook, solors for the liquidator

NEW COVENTRY CROSS CYCLE CO, LIMITED—Petn for winding up, presented Sept 23, directed to be heard Oct 30. John H. & F. Purchase, 11, Queen Victoria st, solors for the petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 29

NORTH KALGURLI GOLD MINES, LIMITED (IN LIQUIDATION)—Creditors are required, on or before Nov 15, to send their names and addresses, and the particulars of their debts or claims, to Herbert Douglas Kerr, 11, Abchurch la. Paines & Co, St Helen's pl, solors to liquidator

W. C. EDWARDS & CO, LIMITED—Creditors are required, on or before Nov 15, to send their names and addresses, and the particulars of their debts or claims, to Walter Fred Harris, Yorkshire Bank chmbrs, Parliament st, Hull. Locking & Holditch, Hull, solors liquidator

London Gazette.—TUESDAY, Oct. 8.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BRAND HILL & Co, LIMITED (IN VOLUNTARY LIQUIDATION)—Creditors are required, on or before Nov 5, to send their names and addresses, and the particulars of their debts or claims, to Arthur Bond Wykes, 24, Friar ln, Leicester. Smith & Co, Ashby-de-la-Zouch, solors for liquidator

DATIME STAMP, LIMITED—Creditors are required, on or before Nov 19, to send their names and addresses, and the particulars of their debts or claims, to William Robert Taylor Carr, Monument House, Monument sq

KITSON LIGHTING AND HEATING SYNDICATE, LIMITED—Creditors are required, on or before Oct 28, to send their names and addresses, and the particulars of their debts or claims, to William Barclay Peat, 3, Lothbury

MATTHEW'S LANCASHIRE, CHESHIRE, AND NORTH WALES DISTRICT WHITE LEAD Co, LIMITED—Creditors are required, on or before Nov 14, to send their names and addresses, and the particulars of their debts or claims, to Charles Pelham Crookenden, 106, Fenchurch st. Francis & Crookenden, New sq, Lincoln's inn, solors to the liquidator

SHAW HEATH MILLS Co, LIMITED—Creditors are required, on or before Nov 22, to send their names and addresses, and the particulars of their debts or claims, to Ernest Crewdson, 7, Norfolk st, Manchester. Russell & Co, Stockport, solors for the liquidator

WARREN CAKEBREAD & Co, LIMITED (IN LIQUIDATION)—Creditors are required, on or before Nov 12, to send their names and addresses, and the particulars of their debts or claims, to Arthur Norris Pring, 48, Middlesex st. Watts & Son, St Dunstan's hill, solors for the liquidator

Tenders for £3,000,000 Local Loans 3 per cent. Stock amounted to £12,486,800, at prices varying from £100 7s. 6d. to £98 (the minimum). Tenders at £98 13s. 6d. will receive about 53 per cent. of the amount applied for. The average price obtained for the Stock is £98 15s.

CREDITORS' NOTICES.

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct 4.

BARROW, SARAH MELLOR, Brooks' Barr, nr Manchester Oct 31 Barrow & Smith, Manchester
BENT, JAMES, Old Trafford, Superintendent of Police Nov 2 Crofton & Co, Manchester
BLACKBURN, JOHN, Scalby, Yorks Nov 1 Birdsall & Cross, Scarborough
BLATSPIEL, GEORGIANA, Redcliffe gdns, Kensington Nov 4 Lawrence & Co, Old Jewry chmbrs
BOURNE, GEORGE DRINKWATER, Western Subedge, Glos Dec 1 New, Evesham
BRIGHT, KATHARINE, Forest Hill Nov 16 Watson & Watson, Fenchurch st
BUTTERWORTH ELLEN, Burnley Nov 1 Nowell & Co, Burnley
COTTRELL, JAMES MASKALL, Twickenham, Designer Nov 12 Gard & Co, Basinghall st
CROOM, WILLIAM HENRY, Glastonbury Oct 30 Nixon, Glastonbury
CULLEN, MARIANNE, Nottingham Nov 16 Watson & Co, Nottingham
CUNNINGHAM, FRANCES MARY, Wavertree, Liverpool Oct 25 Stone & Co, Liverpool
CURTIS, SAMUEL, Moseley, Worcester, Clothier Oct 31 Powell & Browett, Birmingham
DAVIES, THOMAS Abercwmboi, nr Aberdare, Glam Nov 1 Davies & Co, Pontypridd
DEAN, JOHN, Wood Green, House Agent Oct 31 Mundell, Godliman st
DYKES, THOMAS, Rainford, Lancs Nov 5 Roberts, Warrington
FRETWELL, CAROLINE, Ealing Nov 1 Brain & Brain, Reading
GILBART, WILLIAM LEGGATT, Walbrook, Accountant Nov 5 Chester & Co, Bedford row
HALE, FREDERICK GUSTAVUS, Portway, West Ham Nov 1 Culross, Mincing ln
HARRIS, HENRY, Yiewsley, Coachbuilder Nov 15 Ruston & Co, Brentford
HEATON, HARRY, JP, Birmingham Nov 23 Pinsent & Co, Birmingham
HINSHAW, ROBERT, Cressington Park, nr Liverpool Nov 4 Laces & Co, Liverpool
HORNE, ERNEST ARTHUR, Leytonstone Nov 4 Greenip & Co, Mansion House
HORRY, WILLIAM, Boston, Lincs, Brewer Dec 1 Staniland, Boston
HULBERT, EDWARD, Stroud, Glos, Commission Agent Nov 1 Warman, Stroud
KAY, MARY ANN, Blackpool Nov 11 Grundy & Co, Manchester
LATHBURY, CHARLES EDWARD, Aldborough Hatch, Essex Nov 16 Benson & Co, Bristol
LAWRENCE, SAMUEL, Pelham, Herts, Carpenter Dec 17 Baker & Thorneycroft, Bishop's Stortford, Herts
LEY, JOHN, Liverpool Nov 14 Avison & Co, Liverpool
LIVELY, ADA ELIZABETH, Camberwell Nov 14 Croft & Mortimer, Coleman st
MAXWELL, CEDRIC Orange River Colony, Lieut Col Royal Engineers Nov 15 Tylee & Co, Essex st, Strand
MAXWELL, MARY, Campbell rd, Bow, Draper Nov 16 Forbes & Son, London st, Fenchurch st
NICHOLLS, HARRY, Lower Tooting, Market Gardener Nov 4 Caldicott, Mitcham
OWEN WILLIAM, Tunbridge Wells Nov 1 Phillips & Co, Cannon st
POND, SELINA, South Hornsey Nov 3 Keene & Co, Seething ln
RAMSEY, JOSHUA CHARLES, Little Trinity ln, Builder Nov 1 Childs & Co, Chancery ln
REES, DAVID PARCELL, Carmarthen, Ropemaker Nov 9 Browne, Carmarthen
RUSHWORTH, THOMAS, Vale Mill, nr Haworth, Yorks, Woolcomber, and SAMUEL HODGSON, Mytholmes, nr Haworth, Monumental Mason Oct 12 Lister & Turner, Keighley
SMITH, JEMIMA, Dunster, Somerset Nov 5 Goodchild, Norwich
STANLEY, ELIZABETH SLOANE, Bayswater Nov 6 Lee & Pembertons, Lincoln's inn fields
TAYLOR, HERBERT, New Cross Nov 12 Day & Co, Union ct, Old Broad st
TINKER, JOSEPH, Hyde, Chester Nov 9 Drinkwater & Co, Hyde
TORRES, ALBERTO, Kensington Oct 31 Francis & Johnson, Gt Winchester st
WALMSLEY, JAMES, Rossleigh, Ossett, Yorks, Woollen Printer Ridgway & Ridgway, Dewsbury
WARD, GEORGE FREDERICK, Chang-shan, China Dec 31 Mundell, Godliman st
WEBBER, GEORGE, Torquay Nov 8 Pomeroy, Bristol
WITHAM, CHARLES JAMES, Marylebone Oct 21 Barber & Son, St Swithin's ln

WARNING TO INTENDING HOUSE PURCHASERS AND LESSEES.—Before purchasing or renting a house have the Sanitary Arrangements thoroughly Tested and Reported upon by an Expert from The Sanitary Engineering Co. (H. Carter, C.E., Manager), 65, Victoria-street, Westminster. Fee quoted on receipt of full particulars. Established 25 years. Telegrams, "Sanitation," London. Telephone, "No. 316 Westminster."—[ADVT.]

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 4.

RECEIVING ORDERS.

ADAMS, WILLIAM WARD, Burton on Trent, Grocer Burton on Trent Pet Oct 1 Ord Oct 1
ADKINS, ARCHIBALD CHARLES, Wolverhampton, Boot Dealer Wolverhampton Pet Sept 28 Ord Sept 28
BAKER, OSBORNE, Cardiff, Tobacconist Cardiff Pet Sept 30 Ord Sept 30
BALKIN, C H, Cheapside, Jeweller High Court Pet Aug 9 Ord Sept 30
BUTLER, ALFRED EDWARD, High st, Notting Hill, Sugar Confectioner High Court Pet Oct 1 Ord Oct 1
CLETHEROE, THOMAS WILLIAM, Weybourne, Norfolk, Builder Norwich Pet Oct 1 Ord Oct 1
COOPER, GEORGE, sen, Leeds, Commercial Traveller Leeds Pet Sept 30 Ord Sept 30
COVEY, GEORGE, Bexhill, Medical Practitioner High Court Pet Aug 7 Ord Sept 30
CUMMING, JOHN WILLIAM SPENCER, Gt Grimsby, Schoolmaster Gt Grimsby Pet Sept 30 Ord Sept 30
DAVIES, ARTHUR EVAN, Llantwit Vardre, Glam, Licensed Victualler Pontypridd Pet Oct 1 Ord Oct 1
DAVIES, BRETON, Turnmill st, Journalist High Court Pet May 31 Ord Sept 30
DAWSON, WILLIAM, Maidstone, Licensed Victualler Maidstone Pet Oct 2 Ord Oct 2
DEAR, CHARLES JAMES, Victoria st, Westminster High Court Pet Sept 4 Ord Sept 30
DUFFIN, ROBERT JOHN, Barnoldswick, Yorks, Medical Practitioner Bradford Pet Sept 30 Ord Sept 30
EVANS, CHARLES WILLIAM, Upton on Severn, Grocer Worcester Pet Oct 2 Ord Oct 2
EVANS, THOMAS DAVID, Aberavon, Licensed Victualler Aberavon Pet Sept 30 Ord Sept 30
FLETCHER, FREDERICK, East India Dock rd, Wheelwright High Court Pet Oct 1 Ord Oct 1
GREEN, SAMUEL JAMES, Brighton, Hotel Proprietor Brighton Pet Sept 30 Ord Oct 2
GREENHAM, W H, Liscard Birkenhead Pet Sept 30 Ord Oct 2
HARRIS, JOHN, Tividale, Staffs, Licensed Victualler Dudley Pet Sept 30 Ord Sept 30
HEARN, HENRY South Bank, Yorks, Fruiterer Middlesborough Pet Oct 1 Ord Oct 1
HOLLINGWORTH ANGELINA, Nottingham, Draper Nottingham Pet Oct 2 Ord Oct 2
HOOPER, JOSEPH, Upton on Severn, Worcs, Greengrocer Worcester Pet Sept 30 Ord Sept 30
HUMPHREYS, ARDLEY JOHN, Wanstead, Licensed Victualler Luton Pet Sept 17 Ord Oct 2
HUTCHINSON, ROBERT, Harrogate, Fruiterer York Pet Sept 30 Ord Sept 30
JACKSON, ALLEN JAMES, Walton, Carpenter Ipswich Pet Sept 30 Ord Sept 30
JAMES, ALBERT, Isleworth, Fishmonger's Assistant Brentford Pet Sept 28 Ord Sept 28
JONES, SARAH JANE, Swansea, Fish Merchant Swansea Pet Oct 2 Ord Oct 2
LEWIS, THOMAS Merthyr Tydfil, Grocer Merthyr Tydfil Pet Oct 1 Ord Oct 1
MALTMAN, WILLIAM THOMAS, Derby, Picture Frame Maker Derby Pet Sept 30 Ord Sept 30
MAURICE, FREDERICK WILLIAM, and FREDERICK THOMAS MAURICE, Macclesfield, Wine Merchant Macclesfield Pet Sept 16 Ord Oct 1
MORGAN, LEWIS JOSHUA, Newport, Pork Butcher Newport, Mon Pet Oct 1 Ord Oct 1
NAYLOR, PERCY, Angmering Brighton Pet Oct 2 Ord Oct 2
NEWMAN, RICHARD MAYOW, Reading, Bookseller Reading Pet Sept 28 Ord Sept 28
NURSE, EDWARD ERNEST, Reading, Confectioner Reading Pet Sept 7 Ord Sept 28
PARSONS, CHARLES, Kingswood, Bristol, Furniture Dealer Bristol Pet Sept 30 Ord Sept 30
PEARL & SON, E, Sclater st, Shoreditch, Cardboard Box Manufacturers High Court Pet Sept 6 Ord Oct 2
PERKINS, EVA GEORGINA, Cardiff, Ironmonger Cardiff Pet Oct 2 Ord Oct 2
PERRY, SAMUEL, and ALBERT EDWARD WEAVER, Wellington, Salop Cycle Makers Madeley Pet Oct 2 Ord Oct 2
PLUMMER, HENRY, Hounslow, Carriage Builder Brentford Pet Sept 30 Ord Sept 30
RAYSON, ALFRED, Moston, Lancs, Restaurant Keeper Oldham Pet Oct 1 Ord Oct 1
REDFERN, CHARLES EDWARD, Romiley, Chester Ashton under Lyne Pet Sept 11 Ord Sept 30
RICHARDS, JOHN, Glyn Neath, Glam, Builder Aberavon Pet Sept 30 Ord Sept 30
SAYER, JAMES ALFRED, Ufford, Suffolk, Innkeeper Ipswich Pet Oct 1 Ord Oct 1
SCHOFIELD, JAMES, Bamford, nr Rochdale, Farmer Bolton Pet Aug 29 Ord Oct 2
SKEAVINGTON, ALPHEUS, Ilkeston, Derby, Grocer Derby Pet Sept 30 Ord Sept 30
SMITH, ROBERT EDWARD, Mold, Flint, Carriage Builder Chester Pet Oct 2 Ord Oct 2
STANHOPE, WILLIAM, Leeds, Builder Leeds Pet Sept 7 Ord Sept 27
STOKES, SAMUEL, Luton, Straw Hat Manufacturer Luton Pet Oct 1 Ord Oct 1
THOMAS, JAMES RHODE, Cardiff, Painter Cardiff Pet Sept 30 Ord Oct 1
THOMPSON, ALBERT GEORGE, Harrogate, Commercial Traveller York Pet Oct 1 Ord Oct 1
TIDSWELL, WILLIAM RIDER, Farsley, Yorks, Fishmonger Bradford Pet Oct 2 Ord Oct 2
TOWLER, GEORGE BLAND, Heath Town, Staffs, Chemist Wolverhampton Pet Sept 17 Ord Oct 2
TURTEN, FRANK, and OTTO BUEHL, Bradford av, Red Cross st, China Merchants High Court Pet Oct 1 Ord Oct 1
WILBOURN, HENRY, Hasland, Grocer Chesterfield Pet Sept 30 Ord Sept 30
WILLOUGHBY, WILLIAM, Plymouth, Professor of Music Plymouth Pet Oct 1 Ord Oct 1
WYLIE, WALTER, Liverpool, Commission Merchant Liverpool Pet Sept 18 Ord Oct 2

FIRST MEETINGS.

ALEXANDER, JOHN, Rhodeswell rd, Limehouse, Clothier Oct 11 at 11 Bankruptcy bldgs, Carey st
ATKINS, THOMAS, Leicester Oct 11 at 3 Off Rec, 1, Berridge st, Leicester
ATKINSON, HENRY, Barrowford, Lancs Brick Manufacturer Oct 14 at 12.30 Exchange Hotel, Nicholas st, Burnley
BALKIN, C H Cheapside, Jeweller Oct 15 at 2.30 Bankruptcy bldgs, Carey st
BRITZ, BENJAMIN, Ferndale, Glam, Hawker Oct 11 at 3 135, High st, Merthyr Tydfil
CART, HARRY, North Evington, Cattle Dealer Oct 14 at 12.30 Off Rec, 1, Berridge st, Leicester
CHAPMAN, THOMAS BENNETT, Lostwithiel, Cornwall, Farmer Oct 11 at 11 6, Athenæum ter, Plymouth
CHESTER, WILLIAM, Barrow in Furness, Pawnbroker
CRISP, THOMAS Newcastle on Tyne, Fruit Broker Oct 11 at 11.30 Off Rec, 30, Mosley st, Newcastle on Tyne
COOPER, GEORGE, sen, Leeds, Commercial Traveller Oct 11 at 11 Off Rec, 22, Park row, Leeds
COVEY, GEORGE, Bexhill, Medical Practitioner Oct 16 at 12 Bankruptcy bldgs, Carey st
CRYER EDWARD JOHN, Rugby, Insurance Agent Oct 14 at 12 Off Rec, 17, Hertford st, Coventry
DAVIES, BRETON, Turnmill st, Journalist Oct 14 at 1 Bankruptcy bldgs, Carey st
DAWSON, WILLIAM, Maidstone, Licensed Victualler Oct 16 at 11 Off Rec, 9, King st, Maidstone
DEAR, CHARLES JAMES, Victoria st, Westminster Oct 15 at 12 Bankruptcy bldgs, Carey st
DUFFIN, ROBERT JOHN, Barnoldswick, Yorks, Medical Practitioner Oct 11 at 11 Off Rec, 31, Manor row Bradford
EVENS, CHARLES WILLIAM Upton on Severn, Grocer Oct 14 at 11.30 45, Copenhagen st, Worcester
FIRTH, LINTON, Morecambe, Grocer Oct 11 at 3.15 Off Rec, 14, Chapel st, Preston
HAYWARD, FRANK, St Leonard's on Sea Oct 11 at 2.30 Off Rec, 24, Railway app, London Bridge
HOBDAY, B, Little Ilford, Essex, Builder Oct 16 at 2.30 Bankruptcy bldgs, Carey st
HOOPER, JOSEPH Upton on Severn, Greengrocer Oct 11 at 11.45 45, Copenhagen st, Worcester
HUBAND, JAMES, Evesham, Worcester, Builder Oct 11 at 11.30 45, Copenhagen st, Worcester
JACKSON, ALLEN JAMES, Walton, Suffolk, Carpenter Oct 18 at 2 Off Rec, 36, Princes st, Ipswich
JONES, JACK, Pentre, Glam, Cycle Agent Oct 11 at 12 135, High st, Merthyr Tydfil
LEVISON, JACOB, Sheffield, Draper Oct 11 at 12 Off Rec, Figtree ln, Sheffield
MCVEE, HUGH, Barrow in Furness, Tailor Oct 15 at 11.30 Off Rec, 16, Cornwallis st, Barrow in Furness
MONEY, DANIEL, Chesterfield, Nurseryman Oct 11 at 2 Angel Hotel, Chesterfield
MIDDLEMIST, ROBERT, C, Stamford, Doctor of Medicine Oct 11 at 12.30 Stamford Hotel, Stamford
MITCHELL, MARK, Brimington, Derby, Moulder Oct 11 at 3 Angel Hotel, Chesterfield
NEWSUM, ERNEST WILLIAM, Rotherham, Yorks, Timber Merchant Oct 11 at 12.30 Off Rec, Figtree ln, Sheffield
PARKINS, THOMAS, Salford, Chemist Oct 11 at 2.30 Off Rec, Byrom st, Manchester
PHILLIS WILLIAM JAMES, West Humberstone, Leicester Oct 14 at 3 Off Rec, 1, Berridge st, Leicester
PROFFITT, WILLIAM GEORGE, Bootle, Lancs, Draper Oct 15 at 12 Off Rec, 35, Victoria st, Liverpool
PUCHMÜLLER GERHARD BODO, Hampstead, Engineer Oct 17 at 11 Bankruptcy bldgs, Carey st
RICHARDSON, THOMAS, Barrow in Furness, Fruiterer Oct 15 at 11 Off Rec, 16, Cornwallis st, Barrow in Furness
ROBERTS, HARRY, Barrowden, Rutland, Machinist Oct 11 at 12.30 Off Rec, 1, Berridge st, Leicester
SLATER, JOSEPH THOMAS, Dalton in Furness, Lancs, Innkeeper
SPICER, FREDERICK BEDWELL, Deal, Market Gardener Oct 24 at 2.30 Off Rec, 68, Castle st, Canterbury
SPITTLEHOUSE, ROBERT WILLIAMSON, Wombwell, Yorks,

Cycle Maker Oct 11 at 10.30 Off Rec, Regent st, Barnsley

STANHOPE, WILLIAM, Leeds, Builder Oct 16 at 11 Off Rec, 22, Park row, Leeds

TINCKNELL, ERNEST SPENCER, Kingsland rd, Grocer Oct 14 at 12 Bankruptcy bldgs, Carey st

TROMAN, EDWARD, Barrow in Furness, Shearer Oct 15 at 10.45 Off Rec, 16, Cornwallis st, Barrow in Furness

WHATMORE, CHARLES, Barrow in Furness, Plater Oct 15 at 10.30 Off Rec, 16, Cornwallis st, Barrow in Furness

WILBOURN, HENRY, Hasland, Derby, Grocer Oct 11 at 2.30 Angel Hotel, Chesterfield

WOOD, FRANK, Bolton, Carter Oct 11 at 3 Off Rec, Exchange st, Bolton

WOODWARD, J R, Streatham, Ironmonger Oct 11 at 11.30 24, Railway app, London Bridge

ADJUDICATIONS.

ADAMS, WILLIAM FREDERICK, Bristol, Tobacconist Bristol Pet Sept 26 Ord Oct 1

ADAMS, WILLIAM WARD, Burton on Trent, Grocer Burton on Trent Pet Oct 1 Ord Oct 1

ADKINS, ARCHIBALD CHARLES, Wolverhampton, Boot Dealer Wolverhampton Pet Sept 28 Ord Sept 28

BAKER, OSBORNE, Cardiff, Tobacconist Cardiff Pet Sept 30 Ord Sept 30

BURROWS, G P, Twickenham Brentford Pet July 6 Ord Sept 28

BUTLER, ALFRED EDWARD, High st, Notting Hill, Sugar Confectioner High Court Pet Oct 1 Ord Oct 2

CLETHEROE, THOMAS WILLIAM, Weybourne, Norfolk, Carpenter Norwich Pet Oct 1 Ord Oct 1

COOKE, BRYAN GEORGE DAVIES, Colomendy, nr Mold, Flint, Col in H M Army Chester Pet June 21 Ord Oct 1

COOPER, GEORGE, sen, Leeds, Commercial Traveller Leeds Pet Sept 30 Ord Sept 30

COVEY, GEORGE, Bexhill, Medical Practitioner High Court Pet Aug 7 Ord Oct 2

CUMMING, JOHN WILLIAM SPENCER, Gt Grimsby, Schoolmaster Gt Grimsby Pet Sept 30 Ord Sept 30

DANN, GEORGE ARTHUR, Lawrence rd, Bow, Draper High Court Pet Aug 2 Ord Sept 30

DAWSON, WILLIAM, Maidstone, Kent, Licensed Victualler Maidstone Pet Oct 2 Ord Oct 2

EVANS, CHARLES WILLIAM, Upton on Severn, Worcester, Grocer Worcester Pet Oct 2 Ord Oct 2

EVANS, THOMAS DAVID, Aberavon, Licensed Victualler Aberavon Pet Sept 30 Ord Sept 30

FLETCHER, FREDERICK, East India Dock rd, Wheelwright High Court Pet Oct 1 Ord Oct 1

FRYER, THOMAS CHANDLER, Ridge rd, Hornsey High Court Pet Aug 12 Ord Sept 30

HARRIS, JOHN, Tividale, Staffs, Licensed Victualler Dudley Pet Sept 30 Ord Sept 30

HEARN, HENRY, South Bank, Yorks, Fruiterer Middlesborough Pet Oct 1 Ord Oct 1

HODGE, JOHN, Blackpool, Milk Dealer Preston Pet Aug 27 Ord Oct 2

HOLLINGWORTH, ANGELINA, Sneinton, Nottingham, Draper Nottingham Pet Oct 2 Ord Oct 2

HOOPER, JOSEPH, Upton on Severn, Worcester, Greengrocer Worcester Pet Sept 30 Ord Sept 30

HUTCHINSON, ROBERT, Harrogate, Fruiterer York Pet Sept 30 Ord Sept 30

JACKSON, ALLEN JAMES, Walton, Suffolk, Carpenter Ipswich Pet Sept 30 Ord Sept 30

JONES, JACK, Pentre Glam, Cycle Agent Pontypridd Pet Sept 14 Ord Oct 1

JONES, SARAH JANE, Swansea, Fish Merchant Swansea Pet Oct 2 Ord Oct 2

LEWIS, THOMAS, Merthyr Tydfil, Grocer Merthyr Tydfil Pet Oct 1 Ord Oct 1

MACQUEEN, LEONARD ELTON, Berwick st, Oxford st, Tailor High Court Pet Aug 30 Ord Oct 1

MALTMAN, WILLIAM THOMAS, Derby, Picture Frame Maker Derby Pet Sept 30 Ord Sept 30

MORGAN, LEWIS JOSHUA, Newport, Pork Butcher Newport, Mon Pet Oct 1 Ord Oct 1

NEWMAN, RICHARD MAYOW, Reading, Bookseller Reading Pet Sept 28 Ord Sept 28

PERRY, SAMUEL, and ALBERT EDWARD WEAVER, Wellington, Salop, Cycle Makers Madeley Pet Oct 2 Ord Oct 2

PHILLIPS, HENRY JONES, Griffithstown, nr Pontypool Newport, Mon Pet Aug 7 Ord Oct 2

RANDALL, JOHN KEEN, Watford, Herts, China Dealer St Albans Pet Sept 28 Ord Sept 28

RAYSON, ALFRED, Moston, Lancs, Restaurant Proprietor Oldham Pet Oct 1 Ord Oct 1

RHODES, SAMUEL HENRY, Palmerston rd, Bowes Park, Manufacturer's Agent Enmonton Pet Aug 20 Ord Oct 2

RICHARDS, JOHN, Glyn Neath, Glam, Builder Neath Pet Sept 30 Ord Sept 30

ROGERS, GEORGE, Keevil, Wilts, Innkeeper Bath Pet Sept 7 Ord Sept 30

ROWLES, JAMES ISAAC, Wellington, Somerset, House Decorator Bristol Pet Sept 28 Ord Oct 2

SAYER, JAMES ALFRED, Ufford, Suffolk, Innkeeper Ipswich Pet Oct 1 Ord Oct 1

SKEAVINGTON, ALPHEUS, Ilkeston, Grocer Derby Pet Sept 30 Ord Sept 30

SMITH, ROBERT EDWARD, Mold, Flint, Carriage Builder Chester Pet Oct 2 Ord Oct 2

STANHOPE, WILLIAM, Leeds, Builder Leeds Pet Sept 7 Ord Oct 1

THOMAS, JAMES RHODE, Cardiff, Painter Cardiff Pet Sept 30 Ord Sept 30

THOMPSON, ALBERT GEORGE, Harrogate, Commercial Traveller York Pet Oct 1 Ord Oct 1

TIDGWELL, WILLIAM RIDER, Stanningley, Yorks, Fishmonger Bradford Pet Oct 2 Ord Oct 2

TUHTEN, FRANCIS CHARLES ANTHONY, and FRIEDRICH OTTO RUSHE, Bradford av, Red Cross st, China Merchants High Court Pet Oct 1 Ord Oct 1

WILBOURN, HENRY, Hasland, Grocer Chesterfield Pet Sept 30 Ord Sept 30

WILLOUGHBY, WILLIAM, Plymouth, Professor of Music Plymouth Pet Oct 1 Ord Oct 1

YORATH, HENRY DAVID, Newport, Brewer Newport, Mon Pet July 17 Ord Sept 30

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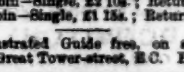
BY  AUTHORITY
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